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SUPREME COURT OF THE UNITED STATES.

No. 84.

ANDREW A. BLACKMAN, CLAIM'T OF THE SCHOONER "A. L. CRAWFORD," APP'T,

vs.

DOMINIQUE GEROIR.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF MASSACHUSETTS.

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UNITED STATES OF AMERICA,
Massachusetts District, May Term, 1857.

At a circuit court of the United States, for the first circuit and district of Massachusetts, begun and holden at Boston, within and for the district of Massachusetts, on Friday, the fifteenth day of May, in the year of our Lord one thousand eight hundred and fifty-seven:
Before the honorable Benjamin R. Curtis, associate justice—

DOMINIQUE GEROIR, libellant,
vs.
The SCHOONER A. L. CRAWFORD, Andrew A. Blackman, claimant and appellant. } In admiralty.

The transcript of the record of the district court was duly filed, and entered at the present term of this court, and is in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Massachusetts District, ss:

At a special district court of the United States, holden at Boston, within and for the district of Massachusetts, on Friday, the thirteenth day of March, in the year of our Lord one thousand eight hundred and fifty-seven:
Before the honorable Peleg Sprague, judge—

DOMINIQUE GEROIR, libellant,
vs.
The SCHOONER "A. L. CRAWFORD."

This libel was filed in the clerk's office, on the thirteenth day of September, A. D. 1856, and is follows, viz:

UNITED STATES OF AMERICA,
District of Massachusetts, ss:

To the honorable Peleg Sprague, judge of the district court of the United States, within and for the district of Massachusetts:

The libel and complaint of Dominque Geroir, of Arichot, in the British Province of Nova Scotia, owner of the bark "Himalaya,"

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Before the honorable Peleg Sprague, judge—

DOMINIQUE GEROIR, libellant,
vs.
The SCHOONER "A. L. CRAWFORD."

This libel was filed in the clerk's office, on the thirteenth day of September, A. D. 1856, and is follows, viz:

UNITED STATES OF AMERICA,
District of Massachusetts, ss:

To the honorable Peleg Sprague, judge of the district court of the United States, within and for the district of Massachusetts:

The libel and complaint of Dominque Geroir, of Arichot, in the British Province of Nova Scotia, owner of the bark "Himalaya,"

of Pictou, in said Province of Nova Scotia, whereof Simon Labache was late master, against the "Schooner A. L. Crawford," of the city of Philadelphia, in the State of Pennsylvania, whereof one Blackman now is, or late was master, her tackle, apparel, and furniture, and all persons lawfully intervening for their interest in the same, in a cause of collision, civil and maritime, alleges and articulately propounds as follows:

First. That your libellant, before and at the time of the collision hereinafter mentioned, was the owner of a certain bark of three hundred and fourteen tons burden register, called the "Himalaya," and belonged to Pictou, in said Province of Novia Scotia, and of the tackle, apparel, and furniture to said bark belonging, which bark your libellant used, among other purposes, for transporting coal from Pictou to Boston, in said district of Massachusetts.

Second. That on Thursday, the eleventh day of September last past, at about half-past two in the morning, said bark "Himalaya," being then on a voyage from Pictou to Boston, laden with coal, was sailing off Cape Ann, and for Boston; that while she was so sailing, the said Schooner "A. L. Crawford," which was then on a voyage from Philadelphia to Salem, laden with coal, carelessly and negligently ran afoul of said bark, with great violence, striking it in or near the fore chains, and greatly injured and damaged said bark thereby, and caused said bark to sink, so that said bark, her tackle, apparel, and furniture, was totally lost, together with her cargo and all the goods and materials on board.

Third. That at the time said bark was so run into by said schooner, the said bark was running close-hauled on the starboard tack, the wind being then south-southwest; that said bark was tight, staunch, strong, and in every respect well manned and appointed, and had the usual and necessary complement of men; that the regular watch was on deck, and on the alert; that as soon as the schooner was perceived by the men on the deck of said bark, they blew their fog-horns, and cried out to the schooner to keep off, and attempted, by changing their own course, to avoid the schooner; which, however, they could not do, their own vessel being close hauled and running very near the wind; that the men in charge of the bark used all due and proper care and caution to avoid said schooner, but were unable so to do.

Fourth. That at the time when said bark was run into as aforesaid, it was sufficiently light for those on board said schooner to have perceived said bark, if they had used due care and caution; that said schooner was running with the wind free, and so was able to alter and ought to have altered her course, yet she did not do so, but disregarding the cries of those on board the bark, and sounding of the horns, carelessly and negligently kept on in such a way that she ran upon and struck said bark in or near the larboard fore chains, and stove her in, in such a manner, that said bark immediately began to fill, so that those on board could in no way prevent

her sinking, which she did soon after, to wit, in five or ten minutes, and was thus, with all her cargo and furniture, totally lost.

Fifth. That the said collision and loss was caused wholly by the culpable carelessness and negligence of those on board said schooner, and would not have occurred if due caution and proper diligence had been used by them, and in no way by a want of care and diligence on the part of those on board the bark.

Sixth. That the said bark was so injured and disabled by the force and violence with which she was struck by the said schooner, that she immediately filled and sunk, and was totally lost, with all the property then on board, to the damage of the said libellant, [to] the sum of fifteen thousand dollars.

Seventh. That the said schooner is now lying at Salem, within this district, and within the jurisdiction of this court.

Eighth. That all and singular the premises are true, and within the admiralty and maritime jurisdiction of this honorable court.

Wherefore the libellant prays, that process in due form of law, according to the course of this honorable court in cases of admiralty and maritime jurisdiction, may issue against the said schooner, her tackle, apparel, and other furniture. And that all persons having any interest therein may be cited to appear and answer all and singular the matters aforesaid, and that this honorable court would be pleased to decree the payment of the damages are aforesaid, and that the said vessel may be condemned and sold to pay the same, and that the libellants may have such other and further relief as in law and justice they may be entitled to receive.

DOMINIQUE GEROIR,
By WEARE D. BICKFORD, *Agent.*
C. T. & T. H. RUSSELL,
Proctors for Libellant.

MASSACHUSETTS DISTRICT, *ss:*

SEPTEMBER 13, 1856.

Sworn to by said Bickford, before said court.

Attest: S. E. SPRAGUE, *Clerk.*

Thereupon, by order of the judge, a warrant and monition issued, commanding the marshal to give notice to all persons concerned, that said libel had been filed, and that trial would be had thereon, at a special district court, to be holden at the United States court-house, in Boston, in said district of Massachusetts, on Friday, the twenty-sixth day of September, A. D. 1856, at ten o'clock, A. M. And to give said notice by advertising the same in the "Daily Advertiser," one of the public newspapers printed at Boston, and one printed at Salem, and by posting a copy of the same notice at the said court-house, in Boston, ten days at least before said day of trial. And also to take the said schooner "A. L. Crawford,"

and her tackle, apparel, and furniture into his custody, and to make due return of his doings herein.

On which the marshal made return as follows, viz:

UNITED STATES OF AMERICA,
Massachusetts District, ss:

BOSTON AND SALEM, *September* 26, 1856.

Pursuant hereunto, I have given notice to all persons concerned, that the libel within named has been filed, and that trial will be had thereon by publishing the substance of the within monition in the Salem "Register," and the "Boston Daily Advertiser," newspapers printed in said Salem and Boston respectively, and by posting up a copy of the same notice in the United States court-house. in said Boston, ten days at least before the day within named for trial. And on the 13th day of said September, 1856, I took the schooner "A. L. Crawford," her tackle, apparel, and furniture, into my custody on this warrant.

WATSON FREEMAN,
U. S. Marshal.

Stipulation for Costs and Expenses.

Then personally appeared Andrew A. Blackman, claimant, of Philadelphia, in the District of Pennsylvania, and produced for sureties, Edmund W. Clapp and Samuel G. Clapp, both of Walpole, in the district of Massachusetts.

And the said Blackman and Clapps, submitting themselves to the jurisdiction of this court, bound themselves, their heirs, executors, and administrators, jointly and severally, in the sum of two hundred dollars, unto the said Geroir, that the said Blackman should pay all costs and expenses which should be awarded against said schooner in this suit, upon the final adjudication thereof, or by any interlocutory order.

Claim and motion for security for costs.

UNITED STATES DISTRICT COURT,
Massachusetts District, ss:

GEROIR, Libellant,
vs.
SCHOONER "A. L. CRAWFORD."

And now Andrew A. Blackman, master of the said schooner, claims the same in behalf of himself and the other owners of the same, and prays this honorable court would be pleased to cause the

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same to be appraised, to restore the same to him on his giving bail to abide by such decree as may be passed in the premises.

A. A. BLACKMAN.

DISTRICT OF MASSACHUSETTS.

BOSTON, *September* 19*th*, 1856.

Sworn to before me,

C. W. LORING,
U. S. Commissioner for the District of Mass.

UNITED STATES DISTRICT COURT,
Massachusetts District.

GEROIR, Libellant,
vs.
SCHOONER "A. L. CRAWFORD,"
BLACKMAN, Claimant.

The claimant respectfully prays that the said libellant may be required to give a stipulation, with sureties, for the payment of such costs as may accrue in this cause.

F. C. LORING, *Proctor.*

Agreement as to value of Schooner.

October 10th, 1856.—Filed in court.

UNITED STATES DISTRICT COURT,
Massachusetts District.

DOMINIQUE GEROIR
vs.
SCHOONER "A. L. CRAWFORD." } Libel.

It is agreed that the value of the schooner "A. L. Crawford," attached in the above-named cause, is ten thousand dollars.

DOMINIQUE GEROIR,
By WEARE D. BICKFORD, *Agent.*

September 20, 1856.

C. T. & T. H. RUSSELL,
Proctors for Libellant.

Stipulation to the Action.

Then personally appeared the said Andrew A. Blackman, (claimant aforesaid,) of Philadelphia, in the district of Pennsylvania, and produced for sureties the aforenamed Edmund W. Clapp and Samuel G. Clapp, both of Walpole, in the district of Massachusetts.

And the said Blackman and Clapps, submitting themselves to the jurisdiction of this court, bound themselves, their heirs, executors, and administrators, jointly and severally, in the sum of ten thousand dollars, unto the said Geroir, that the said Blackman should abide by all orders and decrees, interlocutory or final, of the court, and should pay the amount of the final decree of the court, and all sums of money that he should be ordered to pay, by the final decree of the court, whether it be in this or any appellate court.

Thereupon, by order of the judge, a warrant issued, directing the marshal to cause said Schooner "A. L. Crawford" to be delivered to the claimant aforesaid.

On which the marshal made return as follows, to wit:

UNITED STATES OF AMERICA,
Massachusetts District, ss:

BOSTON, *October* 10*th*, 1856.

Pursuant to the within precept, I have caused the within-named Schooner, "A. L. Crawford," &c., to be delivered to the claimant within named, and have taken his receipt for the same as under.

F. WARREN,
Deputy Marshal.

October 10*th*, 1856.

Received from W. Freeman, marshal, in and for the district of Massachusetts, the within named Schooner, "A. L. Crawford," her tackle, apparel, and furniture, in the same state as when seized and detained by his deputy.

A. A. BLACKMAN.

Answer.

October 10th, 1856.—Filed in court.

To the honorable Peleg Sprague, judge of the district court of the United States, for the district of Massachusetts:

The answer of Andrew A. Blackman, master and managing owner of the schooner called the "A. L. Crawford," intervening for the interest of himself and the other owners thereof, to the libel of Dominique Geroir—

First. This respondent does not know and does not admit that the said libellant was the owner of the said bark called the "Himalaya," and prays that the libellant may be held to prove the same.

Second. This respondent says, that between one and two o'clock on the morning of the said eleventh day of September, the said schooner called the "A. L. Crawford" was sailing on a voyage

from Philadelphia to Salem, laden with coal, and that a collision then occurred between said schooner and another vessel, which he has been informed and believes was a bark called the "Himalaya," bound on a voyage from Pictou for Boston, also laden with coal, and that, in consequence thereof, the said bark was sunk and totally lost, unless the same can be raised and salved.

This respondent denies that the said schooner carelessly and negligently ran afoul of the said bark, and thereby caused said collision.

Third. This respondent says, that at the time of the said collision he was not on deck, and he does not know and does not admit that at the time thereof the said bark was running close-hauled on the starboard tack, with the wind south-southwest, and was then well manned and equipped, and had a regular watch on deck, and on the alert, or that fog horns were blown, and cries made on board of said bark, or that her course was changed, and all diligence used to avoid a collision, as is alleged.

Fourth. This respondent says, that he is informed, believes, and alleges, that the said collision occurred soon after the moon had set, when it was quite dark and impossible to descry vessels at any considerable distance towards the north, in which direction the schooner was standing; that a proper and competent watch was stationed in the forecastle of said schooner, and that the said bark was seen and reported as soon as the darkness would permit, she carrying no light; that the schooner was running within a point or two as near to the wind as she could go, that when the bark was seen, and her direction known, the mate of the schooner, whose watch it was on deck, with the intent to avoid the collision, ordered her helm to be put down, for the purpose of going to windward of the bark, and that the bark, at or about the same time, also altered her course, and ran across the bows of the schooner, and was struck by her on the larboard side and sunk.

Fifth. This respondent denies that the said collision was caused by any negligence or carelessness or want of skill in the navigation of the schooner, and insists that it to be attributed solely to negligence or fault in the navigatian of the said bark.

Sixth. This respondent admits that the said bark was injured and sunk in consequence of said collision, but he does not admit, but denies, that the libellant, if the owner thereof, thereby suffered damage to the amount of fifteen thousand dollars.

Seventh. This respondent alleges that at the time of the said collision, the said schooner was staunch, tight, and well manned and and equipped, had a watch duly set and maintained, and a light visible at a distance; that by the collision she sustained damage in her hull, rigging, and otherwise, to the amount of three thousand dollars or thereabouts, for which the owner of the said vessel, whoever he may be, is justly liable and accountable.

Whereupon this respondent prays, that this honorable court

would be pleased to pronounce against the said libel, and to order the same to be dismissed, and to award costs to this respondent.

ANDREW A. BLACKMAN.
F. C. LORING, *Proctor.*

DISTRICT OF MASSACHUSETTS.

BOSTON, *September 24th*, 1856.

Sworn to before me.

C. W. LORING,
Comm'r U. S. Circuit Court, District of Mass.

This libel was entered entered at a special district court, held on the thirteenth day of September, A. D. 1856, and thence was continued, from time to time, to this thirteenth day of March, A. D. 1857, and now the court, after hearing what was offered by the parties, in consideration thereof, doth order, adjudge, and decree that the said libellant do recover against the said schooner "A. L. Crawford," her tackle, apparel, and furniture, the sum of twelve thousand dollars damages, and costs of suit, taxed at

Whereupon the said claimant claimed an appeal, which was allowed by the court.

I, S. E. Sprague, clerk of the district court of the United States within and for the district of Massachusetts, hereby certify that the foregoing is a transcript of the record in said cause.

In witness whereof, I have hereunto subscribed my name and affixed the seal of the said court, this twentieth day of March, A. D. 1857.

Attest:

S. E. SPRAGUE, *Clerk.*

Depositions.

UNITED STATES OF AMERICA,
District Court of the United States,
for the District of Massachusetts.

DOMINIQUE GEROIR, libellant,
vs.
THE SCHOONER A. L. CRAWFORD. } In admiralty.

The depositions of William C. Fowler, Benj. B. Tremere, John Lord, William McField, Norton W. Phillips, John McField, Alfred Nash, and John T. Gardner, taken in behalf of the libellant to be used on the trial of the above-entitled cause now pending, in said court.

The Deposition of William C. Fowler.

Interrogatory 1. Please state your name, residence, and occupation, and how long you have been engaged in it?

Answer. My name is William C. Fowler; residence, Boston; my occupation a pilot, and have followed it since 1834.

Int. 2. Where were you on the night between the 10th and 11th of September, say from 12 to 2 a. m., and what doing?

Ans. I was in Boston Bay, on duty aboard of a pilot boat. It was my watch from twelve to two, and I was on deck speaking vessels.

Int. 3. What was the wind and weather, say from twelve to two? How far could you see at 2 o'clock that night a bark of, say 300 tons, all her sails set and deeply laden?

Ans. I had the wind south, southwest, and south by west, all the time I was on deck. The weather was fine—no moon—starlight; a little kind of hazy like all southerly winds we have, nothing like a fog. I could see such a vessel where she showed her broadside to a large mile and a half, sometimes farther.

Int. 4. How would a vessel that night, from one to two o'clock, steering from Cape Cod to Baker Island light have the wind, and how a vessel steering from Cape Ann to Boston?

Ans. The vessel steering from Cape Cod would have a fair wind, a leading breeze abaft the beam, and the vessel from Cape Ann would have the wind very near dead ahead.

Int. 5. What time did the moon set that night?

Ans. The moon set not far from one o'clock, a little after one o'clock, I think. It might have been half-past twelve.

Int. 6. Do you mean you could see a vessel as you state in your answer to the third question after the moon set?

Ans. Yes. When the moon was up I could see a vessel five miles, certain.

Int. 7. How many points free would the wind be for a vessel steering at that time from Cape Cod for Baker Island light?

Ans. She would be steering from about northwest half north, or northwest by north. She would have the wind at least five points free.

Cross-examination by C. W. Loring, proctor of respondent.

Cross-int. 1. What were your watches during the night of the 10th and 11th?

Ans. From twelve to two, or about a quarter-past two. I did'nt stand again till the next night.

Cross-int. 2. Did you keep any log on board the pilot boat?

Ans. It is not customary.

Cross-int. 3. In speaking of the direction of the wind on the night of the 10th and 11th, do you speak from memory?

Ans. Yes, sir.

Cross-int. 4. Was there any change in the wind between 6 p. m. of the 10th and midnight?

Ans. No, sir, I don't think there was. The wind was steady.

Cross-int. 5. How long had it been steady?

Ans. It breezed to southward that evening, along before dark.

Cross-int. 6. How had it been before that?

Ans. I do not recollect. I think during the day it was more to the west, westerly, and fell to the southward towards night.

Cross-int. 7. How was the wind on the night of the 12th, and where were you then?

Ans. I do not remember. I can't say that I was in the bay that night.

Cross-int. 8. Were there not clouds in the sky on the night of the 10th and 11th?

Ans. Nothing more than usual. It was a clear night for a night without a moon. I can't say whether there were any clouds. In a southerly wind there is more or less of flying scud, but nothing I should think enough to obstruct the horizon.

Direct, resumed.

Direct int., resumed. Please state whether or not your attention was called to the state of the wind and weather that night, shortly after that night, by any one?

(Objected to as leading.)

Ans. No, sir. We saw in the papers this accident, and we were talking among ourselves how the wind and weather was.

WM. C. FOWLER.

The Deposition of Benjamin B. Tremere.

Int. 1. What is your name, age, residence, and occupation, and how long have you been engaged in it?

Ans. My name is Benjamin B. Tremere, age thirty-two years, I reside in Boston. I am a branch pilot, and have been for ten years.

Int. 2. Where were you on the night between the 10th and 11th of September last, and what doing?

Ans. I was in Boston bay, on board the pilot boat Cornelia. We were running from one vessel to another.

Int. 3. Please state how the wind was during that night, and how the weather? How far could you see a brig with all sail set at from one to two o'clock that night?

[Objected to, because it does not appear that the witness was on deck between one and two.]

Ans. The wind was south-southwest. The weather was fine, and we could see from four to file miles up to half past twelve, when

I was last on deck. I can't say how far a brig could be seen between one and two o'clock, as I was not on deck at that time.

Int. 4. How late were you on deck that night? How would a vessel at one to two o'clock that night, sailing from Cape Cod to Baker Island light, have the wind, and how a vessel from Cape Ann to Boston, at the same time?

Ans. It might have been quarter-past twelve, from that to half-past twelve. A vessel sailing from Cape Cod to Baker Island light would have the wind free on her quarter. And a vessel sailing from Cape Ann for Boston would be on the wind, she would have a head wind.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. In giving your testimony, have you testified from memory as to the wind on that night, or did you make a record of it?

Ans. From memory. We take notice of such things. I know pretty well how the wind was, as I went aboard a vessel the next morning. We know [how] the wind is when we turn in.

Cross-int. 2. On what day did you make your next trip in the boat?

Ans. I can't tell how many days after was the next trip.

Cross-int. 3. What day of the week was it the night of the collision?

Ans. On Thursday morning.

Cross-int. 4. Where you first asked as to the direction of the wind, and by whom was it?

Ans. The first ever asked about it was now, by the commissioner.

Cross-int. 5. Was there a moon that night?

Ans. There was a moon till twelve o'clock and after. It had not set when I went below.

Cross-int. 6. Can you remember the wind on the night of the 5th or 16 (?) of September?

Ans. No, sir.

Direct, resumed.

Direct int., resumed. How soon after the 11th of September did you hear of the collision?

Ans. I guess it was a week afterwards.

BENJ. B. TREMERE.

The Deposition of John Low.

Int. 1. What is your name, age, residence, and occupation, and how long have you been engaged in it?

Ans. My name is John Low, age twenty-six years, residence

Chelsea, I am a pilot, and have held a commission five years next January.

Int. 2. State whether you heard of any collision between the Brig Himalaya and the schooner A. L. Crawford, in September last, shortly after the same occurred?

[Objected to as leading.]

Ans. I did, the next cruise after I got up—three or four days after, I can't say how long—within a week. I did not take any notice, because I did not expect to be called on in relation to the matter.

Int. 3. Where were [you] on the night between the 10th and 11th September last, and what doing?

Ans. I was in Boston bay, in the pilot boat Cornelia. We were lying from four to eight miles from the Light-house. I should say I was not on deck all night.

Int. 4. Please state how the wind was during that night, and how the weather? How far could you see a brig with all sail set at from one to two o'clock that night?

[Objected to, as it does not appear that the witness was on deck from one to two o'clock.]

Ans. To twelve o'clock the wind was south-southwest; at that time I turned in. The weather was clear and fine, a little cloudy overhead at times. I was not on deck from one to two o'clock.

Int. 5. How late were you on deck that night? How would a vessel at one to two o'clock that night, sailing from Cape Cod to Baker Island light, have the wind, and how a vessel sailing from Cape Ann to Boston, at same time?

[Objected to.]

Ans. I was not on deck after twelve o'clock. A vessel from Cape Cod to Salem would be steering about northwest, northerly, and the wind, south-southwest, would be free on his quarter. A vessel from Cape Ann would have a head wind on either tack; he could't make a fair wind of it. The course would be southwest, southerly.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. Do you state the wind and weather from your recollection, or did you make some minute of the same?

Ans. From my recollection. I can generally tell how the wind and weather is, that is, from being so well acquainted with the bay.

Cross-int. 2. Was there a moon that night, and if yea, how much?

Ans. I think it was moonlight during the early part of the evening, and that the moon set about the middle of the night. But I am not certain. I did not take notice enough to recollect.

Cross-int. 3. What day of the week was it?

Ans. That I don't recollect.

Cross-int. 4. What day of the month was it?

Ans. It was the night of the tenth, and the morning of the eleventh, as I came up in a bark the next day, I recollect.

Cross-int. 5. How was the wind the afternoon before? When did it come out to the south-southwest?

Ans. That I don't recollect. All I recollect it was southward and eastward when we went down. We went down the same afternoon.

Cross-int. 6. How was the wind during the day, and when you went down?

Ans. All I can recollect about is when we went down in the afternoon, the wind was at the southward. In the morning I was up here in town, and I don't recollect how it was.

Cross-int. 7. At what point was it when you left the wharf?

Ans. I should think nearly southwest or south-southwest. I could not tell to a point. I did not look at the compass.

Cross-int. 8. Was William C. Fowler in your boat?

Ans. Yes, sir.

Cross-int. 9. When were you first asked as to what was the wind on the night of the 10th and 11th, and by whom?

Ans. I think it was Mr. Bickford. I am pretty sure it was. I don't recollect when I am sure. It might have been a week afterwards—it might have been a month.

Direct, resumed.

Direct int. Did you hear of any collision having taken place that night in the bay. If yea, how soon after the night did you hear?

Ans. I did, within three or four days or a week after it happened.

JOHN LOW.

The Deposition of William McField.

Int. 1. What is your name, age, residence, and occupation, and how long have you been engaged in it?

Ans. My name is William McField, my age twenty-three years, residence East Boston, and I am a pilot, and have been nearly three years.

Int. 2. Where were you on the night between the 10th and 11th September last, and what doing?

Ans. I was in Boston bay. I was on board the brig royalston.

Int. 3. Please state how the wind was that night, and how the weather, so far as you know. If you were on deck from one to two

o'clock; state how far you could see a brig with all sail after the moon set?

Ans. I went on board the brig at ten o'clock. I was on deck till four o'clock the next morning. The wind was south-southwest during that time. The weather was clear, fine—it was cloudy overhead. It was what we call a fine night. A vessel could be seen from one to two miles after the moon set.

Int. 4. How would a vessel sailing that night at one to two o'clock, from Cape Cod to Baker Island Light, have the wind; and how a vessel sailing from Cape Ann to Boston, at the same time?

Ans. A vessel sailing from Cape Cod to Baker Island Light would have the wind on her quarter, about four points free. A vessel sailing from Cape Ann to Boston would have the wind ahead.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. Do you testify as to the wind from memory, or did you make record of it?

Ans. From memory.

Cross-int. 2. When were you first asked as to what was the wind on that night?

Ans. I think three or four days after it occurred.

Cross-int. 3. Can you state what the wind was on the other nights in September, or any and how many of them?

Ans. I don't recollect in particular. I made no record of this, but any one hearing of this, in our business, could not help but recollect—I mean, hearing of this collision.

Cross-int. 4. What boat were you attached to?

Ans. The Friend.

Cross-int. 5. Do you not, and do not the pilots, keep a record as to the vessels you board?

Ans. Yes. I keep an almanac, with a memorandum of the vessels we board.

WM. McFIELD.

The Deposition of Norton W. Phillips.

Int. 1. What is your name, age, residence, and occupation, and how long have you been engaged in it?

Ans. My name is Norton W. Phillips, age twenty-seven years, residence Boston, and I am a pilot, and have been six years.

Int. 2. Where were you on the night between the 10th and 11th September last, and what doing?

Ans. I was in Boston bay, on board the pilot boat Cornelia, waiting for vessels. I turned in at nine o'clock, and was up again on deck about one o'clock, and might have been on deck then ten minutes, and was not on deck again till the next morning.

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Int. 3. Please state how the wind was that night, and how the weather so far as you know; if you were on deck from one to two o'clock, state how far you could see a brig with all sail, after the moon set.

Ans. The wind was about south-southwest; the weather was cloudy overhead at times, passing clouds going over. A bark could have been seen from three-quarters of a mile to a mile, after the moon set. The moon set at twelve o'clock on the night of the tenth.

Int. 4. How would a vessel sailing that night, at one to two o'clock, from Cape Cod to Baker Island Light, have the wind; and how a vessel sailing from Cape Ann to Boston, at the same time?

Ans. The vessel from Cape Cod was running with the wind free on her quarter, about six points free; the vessel from Cape Ann would be within one point of dead beat on the wind. It would be as near a head-wind as you could get it.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. What were you doing the ten minutes that you were on deck at about one o'clock?

Ans. I wasn't doing anything, standing on deck.

Cross-int. 2. What did you come up for?

Ans. I came up to look at the brig we boarded; I don't remember her name.

Cross-int. 3. Did you take any particular notice of the wind that night any more than on any other night?

Ans. No, sir. We called the wind south-southwest aboard of the boat.

Cross-int. 4. Can you state what the wind was on every night in September, or on any other night besides the 10th and 11th?

Ans. I can the night of the 11th. It was west. I can't any other night.

Cross-int. 5. If the other pilots on board had all testified that the wind was one or two points different from south-southwest, should you not think it was so?

Ans. I shouldn't think it was at the time I was on deck.

Cross-int. 6. If they had all said it was one point different, should you not have trusted to their memory as well as your own?

Ans. I think I can recollect as well as they can.

Cross-int. 7. In testifying as to the wind on the night of the 10th and 11th, do you testify memory, or did you make a record of it?

Ans. I testify from memory.

Cross-int. 8. Who first asked you what the wind was that night?

Ans. The captain of the bark was down aboard our boat asking the pilots; he didn't speak to me particularly. It was two or three days after the accident.

Direct, resumed.

Direct int. 1. What makes you remember the way the wind was that night? what, if anything, called your attention to it?

Ans. I remember it, because we were talking about Mr. Nash, who went aboard of the brig having a fair wind up. There was nothing in particular called my attention to it.

Direct int. 2. How long after the 11th did your hear of the collision between the bark and the schooner?

Ans. I could not tell you exactly how long, between two and three days.

Cross-examination, resumed.

Cross-int., resumed, 1. Would Mr. Nash have had a fair wind if it had been a point more to the southward or westward?

Ans. He would, with a flood tide. It would not have been a fair wind. He could have just got up. He could not have got up with an ebb tide.

Cross-int., resumed, 2. How was the tide that at one?

Ans. I don't remember.

N. W. PHILLIPS.

The Deposition of John McField.

Int. 1. What is your name, age, residence, and occupation, and how long have you been engaged in it?

Ans. My name is John McField, age fifty years, residence East Boston, and I am a pilot, and have been for twenty-five years.

Int. 2. Where were you on the night between the 10th and 11th September last, and what doing?

Ans. I was in Boston bay, aboard of the pilot boat Friend a part of the time, and a part of the time aboard the brig Lion. I went on board the brig about one o'clock. I was on deck from one o'clock till daylight.

Int. 3. Please state how the wind was that night, and how the weather, so far as you know; if you were on deck from to two o'clock, state how far you could see a brig with all sail, after the moon set.

Ans. The wind was south-southwest. The weather was very good, fine weather. I could see all the way from a mile and a half to two miles. I saw a ship which was, I should think, two miles off, some time after the moon set. I could see a bark as far.

Int. 4. How would a vessel sailing that night at one to two o'clock from Cape Cod to Baker Island light have the wind; and how a vessel sailing from Cape Ann to Boston at the same time?

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Ans. The vessel from Cape Cod would have the wind all the way from four points to four and a half points free; and the vessel from Cape Ann would be close-hauled on either tack. The wind would be pretty much ahead.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. Do you testify from memory, or did you make a record of the wind and weather that night?

Ans. From memory. I made no record.

Cross-int. 2. Do you remember the wind on other nights in September?

Ans. I do not remember any particular night.

JOHN McFIELD.

Deposition of Alfred Nash.

Int. 1. What is your name, age, residence, and occupation, and how long have you been engaged in it?

Ans. My name is Alfred Nash; age, thirty-eight years; residence, Boston; occupation a pilot, and I have been engaged in it twenty-five years.

Int. 2. Where were you on the night between the 10th and 11th September last, and what doing?

Ans. I was on board the Cornelia till one o'clock, and then I went aboard the brig Anglo-Saxon.

Int. 3. Please state how the wind was that night; and how the weather, so far as you know. If you were on deck from one to two o'clock, state how far you could see a brig with all sail, after the moon set.

Ans. The wind was south-southwest; there were broken clouds flying over, it was starlight. I could see a brig a mile certain after the moon set.

Int. 4. How would a vessel sailing that night at one to two o'clock from Cape Cod to Baker Island Light have the wind; and how a vessel sailing from Cape Ann to Boston at the same time?

Ans. Sailing from Cape Cod to Salem they would have a fair wind, that is, a free wind, and from Cape Ann to Boston a head wind. From Cape Cod to Salem they would have the wind about five or six points free.

Cross-examination by C. W. Loring, esq., proctor for respondents.

Cross-int. 1. Did you go down the harbor in the pilot boat Cornelia with John Low, Wm. C. Fowler, and Benj. B. Tremere, on the 10th? Do you belong to the same boat?

Ans. I belong to the same boat, and went down the harbor with them.

Cross-int. 2. Do you testify as to the wind on the 10th and 11th from memory, or have you any record of the same?

Ans. From memory.

Cross-int. 3. When were you first asked as to what the wind was on the night of the 10th and 11th, and by whom?

Ans. By the captain of the bark, some two or three dates after the eleventh. I could not tell exactly the day. The captain came down to us, and asked us if we were in the bay that night?

Cross-int. 4. What way did the captain of the bark say the wind was?

Ans. He did not say what way the wind was.

Cross-int. 5. Have you conversed with Fowler, Low, and Tremere about the collision?

Ans. No, sir.

Cross-int. 6. What day of the week was the collision?

Ans. It was Thursday.

Cross-int. 7. Was there a moon?

Ans. There was a moon till after twelve o'clock.

Cross-int. 8. Can you state the wind on all the other days of September, beside the 10th and 11th?

Ans. I cannot.

Cross-int. 9. How was the wind the night of the ninth?

Ans. I couldn't tell you. We sailed from Boston the 10th, it was then the same that it was the eleventh.

Cross-int. 10. Was there any change in the wind from the time you sailed until daylight of the eleventh?

Ans. There was none.

ALFRED NASH.

Deposition of John T. Gardner.

Int. 1. What is your name, age, residence, and occupation, and how long have you been engaged in it?

Ans. My name is John T. Gardner; age, forty years; residence, Boston, and I am a pilot, and have been twelve years.

Int. 2. Where were you on the night between the tenth and eleventh September last, and what doing?

Ans. I was in the bay aboard of the pilot boat Cornelia.

Int. 3. Please state how the wind was that night, and how the weather, so far as you know. If you were on deck from one to two o'clock, state how far you could see a brig with all sail, after the moon set?

Ans. I was only on deck about fifteen minutes the whole night, and that was about one o'clock. Mr. Fowler was on deck; I came up and talked with him a few minutes about the wind and weather. The wind was about southwest by south, or south-southwest. The weather was what we call a good seeing night—it was a little cloudy—could see a vessel a mile and a half or two miles, I should think, easily. We thought the moon was about setting then. I don't know how far a brig could be seen after the moon set. I was

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only on deck these fifteen minutes, and then a vessel could be seen a mile and a half, or two miles.

Int. 4. How would a vessel sailing that night, at one or two o'clock, from Cape Cod to Baker Island Light have the wind; and how a vessel sailing from Cape Ann to Boston, at the same time?

Ans. The vessel sailing from Cape Cod would steer about northwest, and that would give him the wind two points on his quarter; and the vessel sailing from Cape Ann to Boston would have the wind ahead, within two points. Two points on his quarter would give him the wind four points free, with his course northwest, and the wind south-southwest.

Int. 5. How near set was the moon when you were on deck?

Ans. We couldn't tell, it was so near the horizon.

Int. 6. Could you see the moon when you was on deck?

Ans. I could not.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. What did you and Fowler say about the wind and weather on the night of the 10th and 11th? State your conversation.

Ans. We said it was a good chance for vessels to come along, from sea.

Cross-int. What else did you say?

Ans. I don't recollect anything in particular more. I recollect saying that to him.

One thing I asked him, if he knew who was aboard the brig that was passing us, and he said the Friend had boarded her.

Cross-int. 3. Would it not have been as good a chance with a different wind?

Ans. It would have been as good a chance was an east wind, or with the wind between east and where it was, if the weather was clear. When we speak of a good chance of vessels coming along, we mean that the wind is good, the weather is good, and a good chance to see them. It would not make much difference in regard to being a good chance if the wind was one or two points different. Vessels run in more readily with a southerly and westerly wind than easterly wind, because it is safer.

Cross-int. 4. When were you first asked about the wind and weather on the night of the 10th and 11th, and by whom?

Ans. The next day or two after the accident, the captain of the bark came down and asked some of us how the wind and weather was that night, and about the moon—his object was to know who was in the bay, and by that we all took note of it. The captain then told us that there had been this accident, and stated the night when it was, and then we noted the weather. In the course of the conversation I took out my almanac and noted when the moon set.

Cross-int. 5. When did your boat go on her next cruise?

Ans. I don't recollect.

Cross-int. 6. In testifying as to the wind, do you speak from memory, or did you make a record of it?

Ans. I speak from memory now, after noting the night at that time.

Cross-int. 7. Have you spoken recently with any one about it?

Ans. Nothing more than to-day we brought up the circumstance about the bark and the schooner.

Cross-int. 8. With whom have you talked about it to-day?

Ans. With Mr. Nash, two Mr. Maxwells, Mr. Phillips, and Mr. Tremere. We talked amongst ourselves fixing the night, and about the time we went away from Boston the same night; and I believe I mentioned that the wind was about south-southwest when we went down. I thought the wind might be a point nearly different in my opinion from all the rest; but I was on deck only about fifteen minutes, and noticed that the wind was about in that quarter.

JOHN T. GARDNER.

UNITED STATES OF AMERICA,
District of Massachusetts.

I, Elias Merwin, a commissioner duly appointed by the circuit court of the United States for the district of Massachusetts, under and by virtue of the "Act for the more convenient taking of affidavits and bail to be used in civil causes depending in the courts of the United States," do certify that the time and place for taking the foregoing depositions were agreed upon by the parties; that on the thirty-first day of October and the sixth day of November, A. D. 1856, I was attended by T. H. Russell, esq., proctor of the libellant, by C. W. Loring, esq., proctor of respondent, and by the said witnesses. And the said witnesses were by me first carefully examined and cautioned and sworn, and the testimony by them given was by me reduced to writing, and was thereafter subscribed by the witnesses in my presence, and that I am not of counsel or attorney to either of the parties, nor in any way interested in the event of the suit named in the caption.

ELIAS MERWIN,
U. S. Commiss'r.

DISTRICT COURT OF THE UNITED STATES,
For the District of Massachusetts.

DOMINIQUE GEROIR
vs.
SCHOONER A. L. CRAWFORD. } In admiralty.

United States of America, district of Massachusetts.

Be it remembered, that on the twentieth day of September, in the year of our Lord eighteen hundred and fifty-six, at Boston, in

said district of Massachusetts, before me, Edward G. Loring, a commissioner in and for the district of Massachusetts, to take affidavits and bail in civil causes depending in the courts of the United States, appointed by the circuit court of the United States for the first circuit, under the acts of Congress in such case made and provided, personally appeared Eustace Babin, Charles Bondrot, and Simon Bondrot, witnesses of sound mind and lawful age, witnesses for the libellant in a certain civil suit depending in the district court of the United States in and for the district of Massachusetts, wherein Dominique Geroir is libellant, and the schooner "A. L. Crawford" is respondent; and the said witnesses severally being by me first carefully examined and cautioned and sworn to testify the *whole* truth, did depose and say, as follows, viz: each as set forth in the deposition by him subscribed.

Deposition of Eustace Babin.

I, Eustace Babin, of Arichot, in the British provinces, mariner, of lawful age to testify on oath, depose and say in answer to interrogatories by the Messrs. Russell, counsel for the libellant:

Interrogatory 1. State your age, residence, and occupation, and are you about to go to sea?

Ans. I am forty-five years of age, my residence is Arichot, I am a master mariner, and I am about to go to sea.

Int. 2. Where were you on the night of the 10th instant, and the morning of the 11th instant, say from 12 to 3 o'clock in the morning of the 11th inst.; in what business you were engaged?

Ans. I was just off Salem, and as master of the schooner Happy Return, was bound for Boston.

Int. 3. At what time did you double Cape Ann, and at what time reach Boston light?

Ans. I doubled Cape Ann, 4 o'clock, p. m., on the 10th, and reached Boston on the 11th at 6 p. m., this month of September.

Int. 4. *Where* you up during the night of the 10th? What was the direction of the wind, from 12 to 3 o'clock on the morning of the 11th? What was the character of the breeze? What was the weather, clear or otherwise?

Ans. I was on deck till 12 o'clock, midnight; the wind was southwest by south, with a good standing breeze for a vessel to carry all sail, at times it was calmer. I came on deck to see how the weather looked at 1 o'clock, and it was the same as before—fine and clear. I was on deck again, at 1-2 past 1, and the weather was just as fine as before. I had ordered them to come about at 3 o'clock, and after 1-2 past 1, I was not on deck till morning. I asked at times about the weather; in the morning the weather was as fine as and calmer than in the night.

Int. 5. Was the direction of the wind the same at 12 o'clock, 1, and ½ after one o'clock, and in the morning, or how otherwise?

Ans. The wind was in the same direction.

Int. 6. How far could you see at 1, and 1 and 1-2 oclock that night a bark of three or four hundred tons burden, and of the ordinary rig, and under sail?

Ans. I could see her from a mile and a half to two mlies, at least.

Cross-interrogatories by C. W. Loring, esq., for the respondents.

Cross-int. 1. Are you a French Canadian?

Ans. Yes.

Cross-int. 2. Was there a moon on the night of the 10th, and when did it set?

Ans. It set at half-past one.

EUSTACE DE BABIN.

Deposition of Simon Bondrot.

I, Simon Bondrot, of lawful age to testify on oath, depose and say, I am a mariner, of Arichot, in the Province of Nova Scotia. I am master of the Mary Zebrin. I came to Boston in her, and arrived on Thursday, the 11th instant, between three and four o'clock p. m. At about six o'clock p. m., on the 10th of September instant, I was about five miles from Salem light, bound to Boston; the wind was about southwest and by south; there was a good whole sail breeze, and it was pretty much the same all through the night; if anything, the wind was a little stronger in the morning than during the night; the weather was fine and clear during the night of the 10th. I was beating up during the night between Salem light and Boston light. I was on deck as much as below. I did not go to bed till 4 o'clock, though I laid on a chest a little while. I suppose during the night I saw how the weather was a dozen times, at least; the weather was light, and it was a fine moonlight night and the wind did not increase any till morning. About six a. m. the wind increased some.

Interrogatories by Mr. Russell for the libellant.

Int. 1. At any time from 1½ to 3 o'clock that night how far could you have seen a bark of three or four hundred tons, under sail?

Ans. Before the moon went down I could have seen a vessel from one and a half to two miles, to the best of my knowledge; when the moon set I can't say; after that I could not see a vessel so far. I should think I could see her a quarter of a mile after the moon set.

Int. 2. Were there many vessels coming up that night? Did any of them to your knowledge carry lights; was there any occasion to carry lights any time that night?

Ans. There were a good many vessels in sight at dark; after that I did not see any; I saw no vessel carrying lights. I thought there was no occasion to carry lights. [I carried none.] [And I do when I thought there *is* occasion for it.]

Mr. Loring objects to the parts of answer in brackets.

Cross-interrogatories by C. W. Loring, for respondents.

Int. 1. Did [you] or any one keep a log on board of your schooner in which was noted the wind?

Ans. None was kept to note the wind.

Int. 2. Were you on deck after the moon set?

Ans. Yes, sir.

Int. 3. At what hours?

Ans. From dark till four o'clock, off and on.

Int. 4. How often after the moon set?

Ans. Three or four times.

Int. 5. When did the moon set?

Ans. I had not the proper time on board, but between one and two o'clock, to the best of my knowledge.

Int. 6. How soon after the moon set were you on deck?

Ans. I don't recollect.

Int. 7. Did the wind vary during the night?

Ans. I did not mind it to vary any.

Int. 8. Have you been present at the taking of Eustace Babin's deposition?

Ans. I have, sir.

Int. 9. Are you a French Canadian and fellow-townsman of the libellant, Simon Bondrot?

Ans. I am.

Deposition of Charles Bondrot.

I, Charles Bondrot, of Arichot, in the province of Nova Scotia, master mariner, of lawful age to testify on oath, depose and say: I am the master of the Lady Sales; I arrived in her in Boston on the 11th of September inst., at about 6 p. m. At six o'clock p. m., on the 10th of September, I was doubling Cape Ann; the weather was fine, and continued so all night; the wind was south-southwest, and a good sailing breeze; the wind and weather continued so till six or seven o'clock a. m.; after, it was moonlight, and the moon went down about half-past one o'clock. On the night of the tenth, I was on deck all night; I did not sleep any that night. We tacked ship every two hours.

Interrogatories by Mr. Russell, for the libellant.

Int. 1. How far could you have seen a bark of three or four

hundred tons burden, under sail, any time that night after the moon went down?

Ans. About a mile or a mile and a half, after the moon went down.

Int. 2. Were there many vessels coming up that night? Did they carry lights any time that night to your knowledge; was there or not any need to carry a light any time during that night?

Ans. There were fifteen or twenty vessels in company with me; not one carried lights—[there was no need of lights that night.]

Mr. Loring objects to all in brackets.

Cross-interrogatories by C. W. Loring, counsel for respondent.

Cross-int. 1. What was your vessel, and what was her tonnage?

Ans. The Lady Sale, a hundred and three tons, English measurement.

Cross-int. 2. Did you keep a log, or was one kept on board your vessel?

Ans. No, sir.

Cross-int. 3. How do you know what the direction of the wind was on the night of the 10th and the morning of the 11th?

Ans. I know by the compass and chart and my memory.

Cross-int. 4. When was your attention first called to the wind at that time, and by whom?

Ans. Nothing before to-day.

Cross-int. 5. Who asked you to testify in this case, and when were you first requested to testify?

Ans. Mr. Beckford asked me if I could testify, as I was out that night, how the wind and weather was.

Cross-int. 6. When did Mr. Beckford first see you, and where were you?

Ans. On the 12th September inst.; I was in at his office.

Cross-int. 7. What time on the 12th? How came you in his office on the 12th September?

Ans. In the evening, I believe. I was trading there; I went for some stores.

Cross-int. 8. Did he ask you then what the direction of the was?

Ans. No, sir.

Cross-int. 9. Did you tell him?

Ans. No, sir.

Cross-int. 10. Where were you when the moon went down?

Ans. On deck.

Cross-int. 11. Were you on deck at two o'clock Thursday morning?

Ans. Yes, sir.

Cross-int. 12. Where were you then?

Ans. I was on deck; we were about seven miles off Salem.

Cross-int. 13. How did Baker's island light bear?

Ans. I did not notice.

Cross-int. 14. How did Marblehead light and Cape Ann light bear?

Ans. Marblehead light would bear about northwest. Gloucester lights I did not notice.

Cross-int. 15. How far from Marblehead light were you?

Ans. About eight miles.

Cross-int. 16. How near Boston light were you?

Ans. I could not tell exactly.

Cross-int. 17. Did you see any vessels between one and three o'clock?

Ans. I saw them the whole night, back and forward.

Cross-int. 18. When did you first hear anything of this collision?

Ans. The night I came in.

Cross-int. 19. Have you been present at the taking of Eustace Babin's and Simon Bondrot's deposition?

Ans. Yes, sir.

Cross-int. 20. Are you a French Canadian, and a fellow-citizen of the libellant?

Ans. Yes, sir.

His
CHARLES ⋈ BONDROT.
mark.

UNITED STATES OF AMERICA,
District of Massachusetts.

I, Edward G. Loring, a commissioner in and for the district of Massachusetts, to take affidavits and bail in civil causes depending in the courts of the United States, appointed by the circuit court of the United States for the first circuit, under the acts of Congress in such case made and provided, do hereby certify that the reason for taking the foregoing depositions is, and the fact is, that that the witnesses aforesaid lives at a greater distance than one hundred miles from the place of trial of the cause for and in which said deposition is taken, and are bound on a voyage to sea.

I further certify the adverse party did attend.

I further certify that the said depositions was by me reduced to writing in the presence of the witness, and that he [?] subscribed the same in my presence, and that I have retained it for the purpose of forwarding it under my own hand to the court for which it was taken, with this certificate of the reason of its being taken.

I further certify that I am not of counsel or attorney to either of the parties in the cause in and for which the said deposition is taken, or interested in the event of said cause.

In testimony whereof, I have hereto set my hand, this twenty-

second day of September, in the year of our Lord eighteen hundred and fifty-six.

EDWARD G. LORING,
Commissioner to take affidavits and bail of circuit court of U. S. Mass. district.

UNITED STATES OF AMERICA,
Massachusetts District, ss:

The district court of the United States, within and for the Massachusetts district.

To the American Consul: Know ye, that reposing confidence in your wisdom, prudence, and fidelity, we have appointed, and by these presents, do authorize and empower you to take answers to the interrogatories hereunto annexed of James Kitchen, of River John, in the province of Nova Scotia, a witness to be examined on behalf of the libellants, and to be used in a certain cause now pending in said court, wherein Dominique Geroir is libellant, vs. The Schooner A. L. Crawford.

And to this end, at certain days, to be by you appointed for that purpose, to cause said witnesses, as aforesaid, to be brought before you, and each witness, while present before you, to examine carefully on oath touching the premises. And when you shall have taken the examination as aforesaid, to reduce or cause the same to be reduced to writing. and to be subscribed by each of said witnesses in your presence. And the same, so taken and subscribed, to return, together with this commission and your doings herein enclosed, sealed and directed to the district court aforesaid, as soon as the same shall have been executed.

In testimony whereof, we have caused the seal of the said district court to be hereunto affixed.

Witness, the honorable Peleg Sprague, at Boston, this twenty-seventh day of October, in the year of our Lord one thousand eight hundred and fifty-six.

S. E. SPRAGUE, *Clerk.*

UNITED STATES OF AMERICA,
District of Massachusetts, District Court.

Case of the libel of DOMINQUE GEROIR,
vs.
SCHOONER A. L. CRAWFORD.

Interrogatories to be propounded to James Kitchen, of River John, in the province of Nova Scotia.

1. Please state your age, residence, and occupation?

3. State whether or not you know the bark Himalaya, late of Pictou?

4. Who built her, and when? Please describe her, and state her tonnage and her quality? To whom did you sell her, and when, and for how much? And was that the fair value of said bark?

5. Did you make a bill of sale of said bark? If yea, look upon the paper shown to you, and state whether that is the said bill of sale.

(Will the magistrate please identify the paper produced and shown the witness by his signature.)

C. T. & T. H. RUSSELL,
Proctors for Libellants.

Interrogatories to be propounded to such other witnesses resident in Nova Scotia as may be produced on behalf of the libellants.

1. Please state your age, residence, and occupation?

2. Look upon the paper shown you, and state whether or not the name of James Kitchen, subscribed thereto, is in the handwriting of said Kitchen, and whether or not the same was subscribed by him in your presence?

(Will the magistrate please identify the paper also by his signature?)

3. Did you subscribe the paper shown you under the last interrogatory as a witness? and is the name thereto subscribed as a witness your name?

C. T. & T. H. RUSSELL,
Proctors for Libellants.

Cross-interrogatories to James Kitchen.

1. Where was said bark built, in what year, by whom? What was the actual original cost of it?

2. If you sold her to the said Geroir, please to state when, for what price, and whether the same was paid in money, or in any other, and what way?

3. Was said vessel under any mortgage or incumbrance when sold by you, or at the time of loss? If yea, describe it.

4. Before the loss, had said Geroir sold said vessel in whole or part, to any and what person or persons, and for any and what price or prices?

5. At the time of loss was you the sole owner of and only person interested in said vessel?

6. Was said vessel insured at the time of loss? for any and what sum?

7. Does said Geroir own any other vessel or vessels, or parts thereof? If yea, please to state their names, and on what business they are employed—what is his business.

The respondents will not require the testimony of the subscribing witnesses to the bill of sale, if that is verified by Mr. Kitchen.

F. C. LORING, *Proctor.*

A true copy. Attest:

S. E. SPRAGUE, *Clerk.*

Answers to interrogatories contained in the accompanying document, taken before B. Hammatt Norton, United States Consul for the port of Pictou and its dependencies, in the province of Nova Scotia, this twenty-fourth day of November, one thousand eight hundred and fifty-six.

Answer to first interrogatory. Thirty-seven years of age; river John; shipbuilder.

Answer to third interrogatory. I do know the bark "Himalaya."

Answer to fourth interrogatory. I built her at River John, in the county of Pictou, and province of Nova Scotia; she was of 110 feet keel, 27½ feet beam, moulded, 13 feet 9 inches depth of hold, bark rigged, well found in chain, rigging, &c., her tonnage 314 tons, new measurement; English; built up spruce and hardwood. I sold her to Dominique Geroir, on the 29th day of July, A. D. 1856, for £2,500; considered that sum the fair value of the bark.

Answer to fifth interrogatory. I gave a bill of sale of the bark; I believe the said bill of sale to be now in Boston.

Cross-interrogatories.

Answer to first cross-interrogatory. Built at River John, in the year 1856, by James Kitchen; actual cost £2,500.

Answer to second cross-interrogatory. 29th July, 1856, sold for £2,500; £500 paid on delivery of bark in Pictou; £500 on the 1st day of November, 1856, and balance in nine, twelve, and fifteen months, in equal proportions, with interest.

Answer to third cross-interrogatory. No incumbrances on the vessel.

Answer to fourth cross-interrogatory. Said vessel had not been sold in whole or part, to my knowledge.

Answer to fifth cross-interrogatory. I was the only person interested in said vessel at time of sale, but at time of loss had no interest in her.

Answer to sixth cross-interrogatory. Not insured, to my knowledge.

Answer to seventh cross-interrogatory. Yes: brig "Appoline," brig "John Duffas," brig "Abeona," employed chiefly in the coal trade; Geroir, shipmaster.

I, James Kitchen, do hereby affirm that the above answers were

given to the accompanying interrogatories by me, and are true, to the best of my knowledge and belief.

JAMES KITCHEN.

UNITED STATES CONSULATE,
Pictou, Nova Scotia.
PICTOU, *November* 24, 1856.

I hereby certify that James Kitchen appeared before me, and made answer to the accompanying interrogatories as propounded by myself, and affirmed to the same in my presence.

I also certify that the original "bill of sale" not being in my possession, only a portion of the "fifth interrogatory" was responded to, and from the same cause no other witnesses were summoned.

Given under my hand and seal of office, as consul of the United States, the date above mentioned, and the eighty-first year of the independence of the United States.

B. HAMMATT NORTON,
United States Consul.

DISTRICT COURT OF THE UNITED STATES,
For the District of Massachusetts.

GEROIR
vs.
SCHOONER A. L. CRAWFORD.

United States of America, district of Massachusetts.

Be it remembered, that on the 21st day of October, in the year of our Lord eighteen hundred and fifty-six, at Boston, in said district of Massachusetts, before me, E. Merwin, a commissioner in and for the district of Massachusetts, to take affidavits and bail in civil causes depending in the courts of the United States, appointed by the circuit court of the United States for the first circuit, under the acts of Congress in such case made and provided, personally appeared Simon Venan, a witness for the libellant, in certain civil suit depending in the district court of the United States in and for the first circuit and district of Masschusetts, wherein Geroir, is libellant, vs. the schooner A L. Crawford; and the said Simon Venan, being by me carefully examined, and cautioned and sworn to testify the whole truth relative to the issue, did depose and say, in answer to interrogatories proposed by T. H. Russell, esq., for the libellant, as follows, viz:

Deposition of Simon Venan.

Interrogatory 1. What is your name, age, residence, and occupation?

Answer. My name is Simon Venan, age thirty [eight] years, residence Arichot, and I follow the seas.

Int. 2. Were you on board of the bark Himalaya on her late voyage from Pictou, and in what capacity?

Ans. I was; I was second mate.

Int. 3. Did anything happen to said bark? If yea, what, where, when? State fully.

Ans. We came about at about Baker Island light; it was at 12 o'clock; we stood on that tack at half-past one. Then we saw that schooner coming from four to five points free, and when we saw it we didn't know which way she was going; whether like us, or coming on us; then we saw in a short time that she was coming on us. When we see that she was coming on us, we took the horn, and blow all what we could, and sung out at the same time we were blowing the horn; the two men on the top-gallant forecastle were keeping watch, on the lookout; there the vessel was coming, and struck right aft of the fore-chains, stem on; cut two planks off right on the deck; then the two vessels came alongside together, the lee sides of both vessels, their heads came right up to the wind; it broke the schooner's cut-water, and broke his fiying jib-boom, and broke some of the guys, and her browsprit was split. After we were struck, we took the boat, and tried to put it overboard. We see that we hadn't time; we had the water about a foot on deck where we stood, and we jumped aboard of the schooner as soon as we could; we didn't save anything. Our vessel went down, head first; on the schooner, after we got aboard, I helped them to put the anchor on the bow. They got under way, and went to Salem; arrived there after six the same morning; it was the 11th of September last. I remained on the schooner's deck; I was only once in the forecastle. At the time of the collision we were steering southeast by south, and the wind was southwest by south.

Int. 4. Was the bark close-hauled, or free, at the time of the collision?

Ans. As close as she could go.

Int. 5. Had she altered her course after her tack at twelve o'clock?

Ans. She had not.

Int. 6. What course did the schooner steer after the collison? Did she steer for Baker Island light?

Ans. She steered for Baker Island light; when I went aft, the schooner was steering northwest by north.

Int. 7. How long after she got under way was this? And did you look at the compass?

Ans. I should think it was about an hour after I got aboard; I looked at the compass, because I was called aft to help haul the mainsheet.

Int. 8. How near were you then to Baker Island light? Had

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her course been changed after she got under way before you looked at the compass?

Ans. We were about two miles, or two and a half from the Baker Island light; she had not changed her course.

Int. 9. Had she then the wind free, and how much?

(Objected to, as leading.)

Ans. She was going from four to five points, free.

Int. 10. What was the name of the schooner, and what the name of the master of her?

Ans. I don't know the name of the schooner; they called the master Captain Blackman.

Int. 11. Did the captain save the bark's papers, or any other property from her?

Ans. He only came out of the cabin, and I don't think he went in afterwards.

Int. 12. When did the captain come out of the cabin? and what did he do, if anything, when he came out?

Ans. He came out when he heard me singing out to the men there was a vessel coming; he had a lantern in his hand when he came out; he held it up on the main deck, on the lee side.

Int. 13. What were you doing when he came up?

Ans. I was going forward, to blow; I thought the men on the watch did not blow hard enough, and I run to blow.

Int. 14. Did you blow? and how loud?

Ans. I did, as hard as I could; we blowed till nearly the vessel struck, for about ten minutes. I did not blow all the time; the men blowed some.

Int. 15. Did you hear any conversation between the mate and master of the schooner after the collision? and where, when, and what?

(Objected to.)

Ans. I heard the master start from aft, and come forward, and tell the mate he hadn't kept the watch, and the mate told him to hold his tongue; the captain said nothing, but walked aft. I was hold of the fall of the tackle; we were getting the anchor on the bow. The mate was standing on the top-gallant fore-castle, on the bow of the vessel.

Int. 16. Did you hear any hail from the schooner, or see any one board before the collision?

Ans. We didn't hear a sound, nor see a man.

Int. 17. Do you know whether the schooner's crew, or any of them, were playing cards in her forecastle after the collision?

(Objected to.)

Ans. When I went into the forecastle they were playing cards.

Int. 18. Did you hear the crew of the schooner, or any of them, say anything about watch on the schooner in your hearing? If yea, what?

Ans. I heard them say they were only afraid of fire and rocks,

Answer. My name is Simon Venan, age thirty [eight] years, residence Arichot, and I follow the seas.

Int. 2. Were you on board of the bark Himalaya on her late voyage from Pictou, and in what capacity?

Ans. I was; I was second mate.

Int. 3. Did anything happen to said bark? If yea, what, where, when? State fully.

Ans. We came about at about Baker Island light; it was at 12 o'clock; we stood on that tack at half-past one. Then we saw that schooner coming from four to five points free, and when we saw it we didn't know which way she was going; whether like us, or coming on us; then we saw in a short time that she was coming on us. When we see that she was coming on us, we took the horn, and blow all what we could, and sung out at the same time we were blowing the horn; the two men on the top-gallant forecastle were keeping watch, on the lookout; there the vessel was coming, and struck right aft of the fore-chains, stem on; cut two planks off right on the deck; then the two vessels came alongside together, the lee sides of both vessels, their heads came right up to the wind; it broke the schooner's cut-water, and broke his fiying jib-boom, and broke some of the guys, and her browsprit was split. After we were struck, we took the boat, and tried to put it overboard. We see that we hadn't time; we had the water about a foot on deck where we stood, and we jumped aboard of the schooner as soon as we could; we didn't save anything. Our vessel went down, head first; on the schooner, after we got aboard, I helped them to put the anchor on the bow. They got under way, and went to Salem; arrived there after six the same morning; it was the 11th of September last. I remained on the schooner's deck; I was only once in the forecastle. At the time of the collision we were steering southeast by south, and the wind was southwest by south.

Int. 4. Was the bark close-hauled, or free, at the time of the collision?

Ans. As close as she could go.

Int. 5. Had she altered her course after her tack at twelve o'clock?

Ans. She had not.

Int. 6. What course did the schooner steer after the collison? Did she steer for Baker Island light?

Ans. She steered for Baker Island light; when I went aft, the schooner was steering northwest by north.

Int. 7. How long after she got under way was this? And did you look at the compass?

Ans. I should think it was about an hour after I got aboard; I looked at the compass, because I was called aft to help haul the mainsheet.

Int. 8. How near were you then to Baker Island light? Had

her course been changed after she got under way before you looked at the compass?

Ans. We were about two miles, or two and a half from the Baker Island light; she had not changed her course.

Int. 9. Had she then the wind free, and how much?

(Objected to, as leading.)

Ans. She was going from four to five points, free.

Int. 10. What was the name of the schooner, and what the name of the master of her?

Ans. I don't know the name of the schooner; they called the master Captain Blackman.

Int. 11. Did the captain save the bark's papers, or any other property from her?

Ans. He only came out of the cabin, and I don't think he went in afterwards.

Int. 12. When did the captain come out of the cabin? and what did he do, if anything, when he came out?

Ans. He came out when he heard me singing out to the men there was a vessel coming; he had a lantern in his hand when he came out; he held it up on the main deck, on the lee side.

Int. 13. What were you doing when he came up?

Ans. I was going forward, to blow; I thought the men on the watch did not blow hard enough, and I run to blow.

Int. 14. Did you blow? and how loud?

Ans. I did, as hard as I could; we blowed till nearly the vessel struck, for about ten minutes. I did not blow all the time; the men blowed some.

Int. 15. Did you hear any conversation between the mate and master of the schooner after the collision? and where, when, and what?

(Objected to.)

Ans. I heard the master start from aft, and come forward, and tell the mate he hadn't kept the watch, and the mate told him to hold his tongue; the captain said nothing, but walked aft. I was hold of the fall of the tackle; we were getting the anchor on the bow. The mate was standing on the top-gallant fore-castle, on the bow of the vessel.

Int. 16. Did you hear any hail from the schooner, or see any one board before the collision?

Ans. We didn't hear a sound, nor see a man.

Int. 17. Do you know whether the schooner's crew, or any of them, were playing cards in her forecastle after the collision?

(Objected to.)

Ans. When I went into the forecastle they were playing cards.

Int. 18. Did you hear the crew of the schooner, or any of them, say anything about watch on the schooner in your hearing? If yea, what?

Ans. I heard them say they were only afraid of fire and rocks,

they didn't care a d—n only for that; and the mate said, at the same time, that our pine was too soft for the American oak.

Int. 19. Are you related to the captain of the bark? Were any of the crew of the bark related to him, to your knowledge?

(Objected to.)

Ans. I am not, and am sure that the crew are not.

Int. 20. Were there regular watches kept on board the bark on this voyage?

Ans. There was.

Int. 21. Did you ever tell anybody that there was no watch kept on the bark, or any words to that effect?

Ans. No, sir, I never did.

Int. 22. Did you ever tell any one that the men on the bark went to sleep when they were on watch, or anything like it?

Ans. No, sir, I never did any such thing; I never spoke a word of it.

Int. 23. Was the bark's course changed, after her tack at twelve o'clock, before the collision?

Ans. No, we kept on the same.

Int. 24. When the schooner struck did she carry away the rail or bulwarks of the bark?

Ans. It cut away the rail, and bulwarks, and covering boards.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-interrogatory 1. Are you a French Nova Scotian, and have you been staying here since the loss of the bark at the captain's or owner's expense?

Answer. Yes, sir.

Cross-int. 2. How deeply laden was the bark?

Ans. She was pretty deeply laden; her deck was two feet, or two feet and a half out of water.

Cross-int. 3. Where were you at twelve o'clock? What course were you standing before you tacked?

Ans. We were at Baker Island light; before we tacked I was down below. I don't know what course we were steering.

Cross-int. 4. Did you not help tack ship?

Ans. Yes, sir.

Cross-int. 5. Can you now tell how the ship was laying her course before tacking?

Ans. She was laying almost west—west half north—something like that.

Cross-int. 6. How far from Baker's Island did you tack?

Ans. About two to three miles; something like that.

Cross-int. 7. How did Baker Island light bear from you when you tacked?

Ans. It was just on our lee when we tacked.

Cross-int. 8. In what direction? State as near as you can.

Ans. I could'nt tell exactly; about northwest.

Cross-int. 9. Did the wind change after twelve, and before the collision?

Ans. It was hauling a little more to the southward.

Cross-int. 10. At what time did the collision take place?

Ans. At half-past one.

Cross-int. 11. How much did the wind haul southward?

Ans. Half a point.

Cross-int. 12. How near the wind could the bark lay her course?

Ans. About five points.

Cross-int. 13. What lights were in sight when the collision took place?

Ans. Baker Island light; there were three or four lights. We could see Boston light.

Cross-int. 14. Could you see Baker Island light?

Ans. We could see a light, but I am not sure it was Baker Island light.

Cross-int. 15. What sort of a light is Baker Island light?

Ans. I didn't pay no attention; I knew it was a light—that it was Baker Island light.

Cross-int. 16. Is there anything peculiar about Baker Island light?

Ans. I never was in the harbor before; I could'nt tell that.

Cross-int. 17. How can you tell Baker Island light from the other lights?

Ans. I know it was Baker Island light, because they steered right for it.

Cross-int. 18. How can you tell Baker Island light from Marblehead light, or Egg Rock light, or Gloucester light?

Ans. Marblehead light is farther down this way; I don't know Egg Rock light, nor Gloucester light.

Cross-int. 19. Is Baker Island light different in appearance from the other lights?

Ans. I could'nt tell you, because I paid no attention to the light.

Cross-int. 20. Who were steering for it?

Ans. The negro aboard the schooner.

Cross-int. 21. How do you know you tacked off of Baker Island light?

Ans. The captain said it was Baker Island light.

Cross-int. 22. What time was it when you passed Baker Island light in the schooner?

Ans. I could not tell exactly, but I should think it was between four and five o'clock in the morning.

Cross-int. 23. What way did the schooner steer after she altered her course, as you say, when two and a half miles from Baker Island light? What time was this?

Ans. I don't know which way she was steering; I couldn't tell

what time she altered her course; it was after the pilot came on board. It was about half-past three.

Cross-int. 24. How long was the schooner lying too after the collision, repairing damage?

Ans. She was going ahead all the while?

Cross-int. 25. Was she in the wind going ahead?

Ans. She was moving about two knots an hour, I suppose.

Cross-int. 26., (*de bene esse.*) At what time was it when you saw the men playing cards in the forecastle? Who were they, and how long did you see them?

Ans. It was about three o'clock, I suppose; there were three negroes there; two were playing. I saw them about two minutes, stopping there.

Direct, resumed.

Direct int. 1. Did the schooner, after getting her anchors, bear away for Salem?

Ans. Yes, sir.

His
SIMON ⋈ VENAN.
mark.

Deposition of Register Petitpau.

Interrogatory 1. What is your age, residence, and occupation? and how long have you been to sea?

Answer. My age is twenty-one years; I live in Arichot, Nova Scotia; I am a seaman, and have been for five years.

Int. 2. Were you on board the bark Himalaya on her late voyage from Pictou, and in what capacity?

Ans. I was, as a seaman.

Int. 3. If anything happened to said bark, state where, when, what, and all you know about it. State fully.

Ans. At twelve o'clock at night, the 11th of September, sea time, it was my watch, and I went on deck; my orders were to go forward, and keep watch all the time. It was about half-past one when we saw the schooner from Philadelphia. I saw the schooner about a mile and a half, or two; as we saw the schooner, we sang out; at the very minute we see her we did'nt know the way she was going. As soon as we saw the vessel was coming on us—coming towards us—we took the horn, and hallooed the first thing we done. As we begin to halloo, our captain came out of the cabin, and showed a light on the lee side, where she was coming; then, as we blowed, it was about eleven minutes before she struck. As we see she was going to strike, we all jumped down from the forecastle deck, and ran aft; she struck on the lee forechain, aft of the forechain, stem first, and carried away her cut-water; she cut the covering board of the bark, and went about two planks on deck;

she carried away her guys, and broke her jib-boom, and split her bowsprit in two. Then they came right close to head, and heads right into the wind; at just that very minute we tried to cut away the lashings of the boat, and get the boat overboard, but we had'nt time to get it; as soon as we cut away the lashings of the boat, we felt the water coming on to our feet and knees; she was going down slanting, right head first. Every one says she is going down, and we jumped aboard of the schooner as fast as we could. There we see the vessel go down, and we see no sight of her afterwards.

Int. 4. Where were you when you first saw the schooner, and what was you doing, and who was with you, and how far off was the schooner when you first saw her?

Ans. I was standing on the forecastle deck at the time. William Venan was standing with me; we were keeping watch on the forecastle deck; the schooner was about two miles off when we first saw her.

Int. 5. How high was the forecastle deck of the Himalaya above the main deck? How far is the forecastle deck below the top of the rail?

Ans. About four foot above the main deck; the top of the rail is about six inches above the forecastle deck; the forecastle is on deck.

Int. 6. How was the bark sailing as to the wind at the time? How long since the bark had changed her course?

Ans. She was sailing southeast and by south, as close as the vessel would go. She had changed her course [at] twelve o'clock. We had tacked ship at that time. We were abreast of Baker Island light when [we] tacked ship.

Int. 7. Do you know which way the wind was at the time?

Ans. Southwest by south.

Int. 8. Did the schooner change her course after you saw her before the collision?

Ans. No, sir.

Int. 9. Did you blow the horn? Who blew it, and how long?

Ans. I blowed the horn, and then the second mate blew it, because I did not blow hard enough. We blowed the horn from the time we saw the vessel coming on to us until she struck us, mostly.

Int. 10. Did you save anything from the bark? What had the captain on when he got aboard the schooner?

Ans. I did not. The captain only had on his shirt and his trowsers.

Int. 11. Where did you go to in the schooner, and when did you arrive? Can you tell her name, or the name of the captain? What had she for a crew?

Ans. We went into Salem about five o'clock in the morning. I can't tell her name or the captain. Her crew were four negroes.

Int. 12. After you saw the schooner was coming towards you, who sang out to her, and how many times, and what?

Ans. The second mate halloed at the same time that he blew the horn; he was blowing and singing out all the time. We were singing out all the time. We sing out to him to keep away, to bear away as much as he could, as he was coming on the lee bow. We sung out to the man at our wheel to luff as much as he could. We were right up in the wind.

Int. 13. Are you related to the captain? Were regular watches kept on the bark?

Ans. I am not. I didn't know him till I shipped with him the 16th of last August. Regular watches were kept on the bark.

Int. 14. Do you know whether any of the officers or crew were related to the captain?

(Objected to.)

Ans. I do not know.

Int. 15. What did you do on the schooner after you got aboard of her?

Ans. After we got clear, I helped the mate get the anchor on the bow. We were about fifteen minutes or so doing it. After that I stay on deck five or six minutes. I then went in the forecastle, and came out again. Then, at same time, I see three niggers go in the forecastle; then I come out from the forecastle, and keep watch on deck with the rest of our crew. They came out from the forecastle to stay on deck.

Int 16. What were the negroes doing in the forecastle?

Ans. They were playing cards. When I went in I see them playing cards.

(Objected to as irrelevant and immaterial.)

Int. 17. How long did they play cards, do you know?

(Objected to.)

Ans. I cannot tell the time, as I staid on deck all the time.

Int. 18. How did the schooner have the wind as she was coming on to the bark?

Ans. The wind was southwest by south.

Int. 19. Did you hear any conversation between the mate and master of the schooner, after you got aboard of her, relative to the collision? If yea, what?

Ans. I see the captain go forward and tell the mate he did'nt keep any look-out. The mate answered him to hold his tongue, to go aft. I see the captain walk aft.

Int. 20. Can you tell whether the schooner had the wind free as she came towards the bark?

[Objected to as leading.]

Ans. Yes, sir, about five or six points free.

Int. 21. How was the schooner sailing, as to the wind, as she came towards the bark?

Ans. She was going about five points free. She didn't change her course a bit.

Int. 22. Did you hear any hail from the schooner before she struck the bark?

Ans. No, sir.

Int. 23. Did you ever tell any of the schooner's men or any body, that there was no watch kept on the bark, or any words to that effect?

Ans. No, sir; we didn't say that at all. The nigger said he was forward, but didn't see the bark at all. At the same time he was laughing—he said he didn't care a d—n only for fire and rocks.

Int. 24. Did you ever tell any one that the men on the bark went to sleep when they were on watch, or anything like it?

Ans. No, sir.

Int. 25. How many were on deck when you first saw the schooner?

Ans. Four who were in the watch, and the captain besides.

Int. 26 Did you see any one on the schooner before she struck you?

Ans. No, sir; no one.

Int. 27. Did you hear the mate of the schooner say anything about changing her course after you got aboard of the schooner? If yea, what, and to whom?

Ans. He said to me and to the second mate of the bark, that he didn't change his course a bit, not an eighth of a point.

Int. 28. State what crew, all told, the schooner had?

Ans. She had four nigger seamen, and one cook, negro also: and captain and mate, white men.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. Are you not from Arichot, and are you not a French Nova Scotian?

Ans. Yes, sir.

Cross-int. 2. How long have you been staying here, and what have you been doing?

Ans. I am here since the 11th of September. I have been doing nothing but waiting.

Cross-int. 3. Who has been paying your expenses?

Ans. I suppose the captain, likely. I can't stay here for nothing.

Cross-int. 4. Was the bark deeply laden with coal?

Ans. She was.

Cross-int. 5. Was the schooner also fully laden with coal?

Ans. Yes, sir.

Cross-int. 6. Where had you been from 12 o'clock until the time you saw the schooner?

Ans. I had been on the forecastle deck, as I was ordered to go.

Cross-int. 7 Had you been aft or in the forecastle?

Ans. I had been on the forecastle deck all the time.

Cross-int. 8. How far off were you from Baker Island when you tacked ship; what were you steering before you tacked?

Ans. We were about three miles or so from Baker Island when we tacked ship. We had been steering nearly west.

Cross-int. 9. Were you on deck when you tacked; in what direction was Baker Island light?

Ans. I was on deck. I did'nt look at the compass at the time we tacked ship.

Cross-int. 10. Where was the compass on board the bark?

Ans. It was in the binnacle on the poop.

Cross-int. 11. Who were on deck when you first saw the schooner?

Ans. Me and the second mate, and William Venan and the man at the wheel, Michael Marchand.

Cross-int. 12. Who came on deck before the collision took place?

Ans. The captain came on deck.

Cross-int. 13. Any one else?

Ans. No.

Cross-int. 14. When did the passengers come on deck?

Ans. At the time we halloed, before she struck; the captain's sister-in-law got up from her bunk, and she had time to put her dress on and her shoes. The passengers came on deck at the time she struck.

Cross-int. 15. How soon after seeing the schooner did you begin to halloo?

Ans. About three or four minutes after, as soon as we saw that she was beginning to come on us.

Cross-int. 16. How long after the captain showed the light did the schooner strike?

Ans. About two minutes afterwards.

Cross-int. 17. Did the captain show his light as soon as he came up?

Ans. Yes.

Cross-int. 18. Had he time to go down to get his coat and hat after he got up with the light before the schooner struck?

Ans. No, sir.

Cross-int. 19. Where were you standing when the schooner struck?

Ans. I jumped down from the forecastle deck at the same time that she struck.

Cross-int. 20. How was the schooner steering when she came towards the bark? State the direction by the compass.

Ans. She was steering, I can't say exactly, about west and by north, something that way.

Cross-int. 21. Were you on the lookout when the schooner was first seen?

Ans. Yes, sir, I was on the lookout.

Cross-int. 22. Who first saw the schooner?

Ans. We see it together, me and William Venan.

Cross-int. 23. How many knots were you going?

Ans. About four and [a] half or five knots, four to five knots.

Cross-int. 24. Had you a good wind, and all sail set?

Ans. We had all sail set except the main royal. There was a good breeze, but it was not a fair wind for us; not quite ahead.

Cross-int. 25. How many horns had you on board the bark, and how many did you use?

Ans. One.

Cross-int. 26. Did the mate say he did not alter his course an eighth of a point?

Ans. He did.

Cross-int. 27. Haven't you said that the mate said he didn't not alter his course a bit?

Ans. Yes, sir, I say that.

Cross-int. 28. Which words did he use, that he didn't alter his course a bit, or, an eighth of a point?

Ans. He said he didn't alter his course a bit.

Cross-int. 29. Where were you when the captain, as you say, told the mate he didn't keep any lookout?

Ans. I was forward, before the forecastle.

Cross-int. 30. Where were the captain and the mate?

Ans. The captain came from aft to speak to the mate on the forecastle deck.

Cross-int. 31. What was the mate doing?

Ans. He was forward, trying to get the anchor on the bow.

Cross-int. 32. Who were present at the time and heard this?

Ans. The second mate of the bark was along with me on deck and heard it.

Cross-int. 33. How do you know the second mate heard this; has he told you so?

Ans. Because I was along side of him, and the second mate told me he heard it, and the same time he asked me if I heard it, and I told him yes.

Cross-int. 34. When did he tell you so, and ask you if you had heard it?

Ans. Just after the captain speak to the mate.

Cross-int. 35. (De bene esse.) Where was the captain, and where was the mate of the schooner when the black seamen were playing cards?

Ans. The captain was sometimes on deck, and sometimes in the cabin. The mate was on deck all the time.

Cross-int. 36. (De bene esse.) Did the captain or mate see them playing?

Ans. Yes, sir—the captain came into the forecastle after a while and called the fellow out whose watch was on deck. The mate saw them when he came to the forecastle door and called them out.

Cross-int. 37. Do you mean to say that the captain came into the forecastle to call them out?

Ans. No, sir; I mean to say that the mate did.

Cross-int. 38. (De bene esse.) What time was it when they were playing?

Ans. It was about a quarter-past three or so, or half-past three.

Cross-int. 39. (De bene esse.) How many were playing?

Ans. Two were playing, and one was standing along side, looking at them.

Direct, resumed.

Direct int., resumed, 1. Was the time you refer to in the 31st cross-interrogatory when you were helping get the schooner's anchor up after the collision?

Ans. It was at the same time.

REGISTER PETIPAWS.

Deposition of Abraham Forrest.

Int. 1. State your name, age, residence, and occupation; were you on board the bark Himalaya on her late voyage, and in what capacity?

Ans. My name is Abraham Forrest; age, thirty years; residence in Isle Madame, Nova Scotia. I am a seaman, and I was on board the bark on her late voyage from Pictou. I was first mate of her.

Int. 2. Do you know of anything happening to her on that voyage, and what, and when?

Ans. I do. I remember her being boarded by a schooner, and sunk, about ten and a half miles off Boston light. I do not remember the day of the month, but I remember that it was on Thursday morning.

Int. 3. What became of her crew? Where and when did they land?

Ans. They went on board the vessel that boarded them, and were landed at Salem, about six o'clock the same morning.

Int. 4. What time did your watch end that night, and what time did you turn in?

Ans. My watch ended at twelve, and I turned in about half-past twelve.

Int. 5. Did you go to sleep, what awakened you, what did you do, what did you save, and all you saved?

Ans. I went to sleep after turning in, and the first thing I heard was hearing the captain telling the crew to come on deck. Come all on deck. I did not rise, but turned round in my bunk. The next thing was the vessels coming together and wakening me up,

and my getting up. I came on deck as I turned out of my bunk, and went to the jolly-boat, which was in the long-boat, and tried to put it overboard, and then I jumped on board the schooner. I saved an old pair of pantaloons which I had on, a blue flannel shirt, and my stockings—that was all.

Int. 6. Why did you not put the boat overboard?

Ans. We did not get time—the water was all over the decks, near up to my knees.

Int. 7. What part of the bark did you sleep in, and in what?

Ans. In one of the state-rooms in the cabin.

Int. 8. Were the ship's papers saved?

Ans. None of the ship's papers were saved.

Int. 9. What did the captain save?

Ans. He saved the pantaloons, shirt, and boots and cap or hat he had on. That is all we know of his saving.

Int. 10. Are you related to the captain of the bark?

Ans. I am not.

Int. 11. Were any of the crew, to your knowledge?

[Objected to.]

Ans. They were not. I know they were not.

Int. 12. Did you go or look into the forecastle of the schooner before you got to Salem that night? If yea, what were the schooner's crew doing there?

Ans. I did go into the forecastle of the schooner, and the crew were there playing cards. They were playing for a treat. I happened to have a ten cent piece in my pocket, and I told them I would give it to them if they would stop playing cards.

Int. 13. Did you give it to them, and did they then stop?

Ans. I gave it to them, they took it, but did not stop immediately.

Int. 14. Who? describe who were playing.

Ans. Three colored men—two were playing, and one was looking on—three colored men of the crew.

Int. 15. Were there regular watches kept on the bark?

Ans. Yes.

Int. 16. Did you ever tell any one that the crew on the bark went to sleep on the watch, or anything like that?

Ans. I never saw them asleep in their watch, and never said so.

Int. 17. Did you ever tell any one that the crew of the bark were related to the captain, and did as they pleased on the bark, or anything like that?

Ans. I did not.

Int. 18. Do you know how the wind was at the time of the collision? How was it?

Ans. I did not pay attention to the wind until I got on board the schooner, and then it was southwest and by south.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. How soon after getting on to the schooner did you pay attention to the wind?

Ans. Immediately after getting on board the schooner I looked at the compass and saw how the wind was.

Cross-int. 2. For what purpose did you notice the wind?

Ans. No reason in particular. I am always accustomed on board of a vessel to look and see how the wind is.

Cross-int. 3. Whom did you first tell the wind was southwest by south after you got on the schooner, and when did you first mention it

Ans. I told as many of the bark's crew as were on deck how the wind was in French, immediately after looking at the compass.

Cross-int. 4. Why did you tell them?

Ans. So as the crew of the bark should know and could tell when they were asked how the wind was when the bark was lost.

Cross-int. 5. How far is your residence from Arichot? Are you a French Nova Scotian? Do you live on the same island with the master of the bark?

Ans. Three miles to the town of Arichot. I am a French Nova Scotian, and I reside on the same island with the master of the bark. My parents now live about a mile from the residence of the captain of the bark, but I have never lived in the house where they now live.

His
ABRAHAM ⋈ FORREST.
mark.

Deposition of John Laudry.

Int. 1. What is your name, age, residence, and occupation? And were you on board the bark Himalaya on her late voyage from Pictou, and in what capacity?

Ans. My name is John Laudry; age, twenty-five years; residence, on Isle Madame, Nova Scotia, and I am a seaman. I was on board the bark on her late voyage from Pictou, as a sailor.

Int. 2. Did anything happen to her? What, and where?

Ans. She was boarded by another vessel about ten miles off from Salem and sunk.

Int. 3. What did you first know about it, where were you?

Ans. It was my watch below, I was in the forecastle smoking and heard the watch on deck blow the horn. After hearing them blow the horn, I went on deck and saw the schooner coming on us. Immediately after, the schooner coming against us, not knowing which would sink, we went after the smallest boat, which was in the long boat. We got the small boat out of the long boat, and put it on deck; then by the water being over the deck, we saw the bark was sinking, and immediately jumped on board the schooner.

Int. 4. How far off was the schooner when you first saw her?

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Ans. When I first came on deck, I believe about a half or three-quarters of a mile.

Int. 5. How was the bark sailing, as to the wind, when you first saw the schooner, and how was the schooner?

Ans. The bark was sailing close to the wind, as much so as she could be, and the schooner about five points free.

Int. 6. Did you go into Salem on the schooner, and where have you been since?

Ans. I did go into Salem in her. From Salem I came to Boston, and have since been to Pictou and back, on a voyage.

Int. 7. Did you go into the schooner's forecastle on the way to Salem; were any of the crew playing cards, and who?

(Objected to.)

Ans. I did. Three of the crew of the schooner were, two playing cards, and one looking on. They asked me if I would join them.

Int. 8. Are you related to the captain of the bark? How long have you known him?

Ans. I am not related to the captain. I have known him a number of years, but not particularly acquainted with him.

Int. 9. Did you ever tell any one that the crew on the bark were related to the captain, and did as they pleased, or anything like it?

Ans. I never said anything of the kind.

Int. 10. Did you ever tell any one that the men on the bark went to sleep on their watch, or anything like it?

Ans. I never said anything of the kind. The men on board the bark kept their watch regular.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. How far from Arichot do you live?

Ans. To the town of Arichot, from where I live, by land, is about three miles.

Cross-int. 2. How do you know that the schooner was sailing five points free, when she and the bark were approaching each other?

Ans. The schooner was coming quite free, and as she was coming she could not have had less than five points.

Cross-int. 3. In what direction was the schooner sailing?

Ans. I cannot say the exact route of the schooner, but the wind was southwest and by south, and she had about five points free.

Cross-int. 4. How do you know the wind was southwest by south?

Ans. I know by having been at the helm previous to twelve o'clock, when my watch ended.

Cross-int. 5. When were you at the helm?

Ans. I was at the helm until twelve, I then left the helm.

Cross-int. 6. Have you not told the interpreter that you heard

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Cross-int. 1. How soon after getting on to the schooner did you pay attention to the wind?

Ans. Immediately after getting on board the schooner I looked at the compass and saw how the wind was.

Cross-int. 2. For what purpose did you notice the wind?

Ans. No reason in particular. I am always accustomed on board of a vessel to look and see how the wind is.

Cross-int. 3. Whom did you first tell the wind was southwest by south after you got on the schooner, and when did you first mention it

Ans. I told as many of the bark's crew as were on deck how the wind was in French, immediately after looking at the compass.

Cross-int. 4. Why did you tell them?

Ans. So as the crew of the bark should know and could tell when they were asked how the wind was when the bark was lost.

Cross-int. 5. How far is your residence from Arichot? Are you a French Nova Scotian? Do you live on the same island with the master of the bark?

Ans. Three miles to the town of Arichot. I am a French Nova Scotian, and I reside on the same island with the master of the bark. My parents now live about a mile from the residence of the captain of the bark, but I have never lived in the house where they now live.

His
ABRAHAM ✕ FORREST.
mark.

Deposition of John Laudry.

Int. 1. What is your name, age, residence, and occupation? And were you on board the bark Himalaya on her late voyage from Pictou, and in what capacity?

Ans. My name is John Laudry; age, twenty-five years; residence, on Isle Madame, Nova Scotia, and I am a seaman. I was on board the bark on her late voyage from Pictou, as a sailor.

Int. 2. Did anything happen to her? What, and where?

Ans. She was boarded by another vessel about ten miles off from Salem and sunk.

Int. 3. What did you first know about it, where were you?

Ans. It was my watch below, I was in the forecastle smoking and heard the watch on deck blow the horn. After hearing them blow the horn, I went on deck and saw the schooner coming on us. Immediately after, the schooner coming against us, not knowing which would sink, we went after the smallest boat, which was in the long boat. We got the small boat out of the long boat, and put it on deck; then by the water being over the deck, we saw the bark was sinking, and immediately jumped on board the schooner.

Int. 4. How far off was the schooner when you first saw her?

2659

Ans. When I first came on deck, I believe about a half or three-quarters of a mile.

Int. 5. How was the bark sailing, as to the wind, when you first saw the schooner, and how was the schooner?

Ans. The bark was sailing close to the wind, as much so as she could be, and the schooner about five points free.

Int. 6. Did you go into Salem on the schooner, and where have you been since?

Ans. I did go into Salem in her. From Salem I came to Boston, and have since been to Pictou and back, on a voyage.

Int. 7. Did you go into the schooner's forecastle on the way to Salem; were any of the crew playing cards, and who?

(Objected to.)

Ans. I did. Three of the crew of the schooner were, two playing cards, and one looking on. They asked me if I would join them.

Int. 8. Are you related to the captain of the bark? How long have you known him?

Ans. I am not related to the captain. I have known him a number of years, but not particularly acquainted with him.

Int. 9. Did you ever tell any one that the crew on the bark were related to the captain, and did as they pleased, or anything like it?

Ans. I never said anything of the kind.

Int. 10. Did you ever tell any one that the men on the bark went to sleep on their watch, or anything like it?

Ans. I never said anything of the kind. The men on board the bark kept their watch regular.

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Ans. The schooner was coming quite free, and as she was coming she could not have had less than five points.

Cross-int. 3. In what direction was the schooner sailing?

Ans. I cannot say the exact route of the schooner, but the wind was southwest and by south, and she had about five points free.

Cross-int. 4. How do you know the wind was southwest by south?

Ans. I know by having been at the helm previous to twelve o'clock, when my watch ended.

Cross-int. 5. When were you at the helm?

Ans. I was at the helm until twelve, I then left the helm.

Cross-int. 6. Have you not told the interpreter that you heard

the men on the schooner say that they only feared fire and rocks?

Ans. I did.

Cross-int. 7. Did they say this in French or in English?

Ans. They said it in English, but I understand English enough to understand that.

His
JOHN ⋈ LAUDRY.
mark.

Deposition of Sabine Lavashe.

Int. 1. Please state your residence, and are you a widow?

Ans. I reside in Arichot. I am a widow.

Int. 2. *Where* you on board the Himalaya, on her late voyage from Pictou.

Ans. I was a passenger on board of her.

Int. 3. Did anything happen to said bark? if yea, when and what? State all you know about it?

Ans. On the 11th of September, on Thursday morning, at two o'clock, we were boarded by a schooner, the A. L. Crawford. I heard the horn blow; it was that that started me out of my berth. I heard the men talking very loud, and I knew there was something alarming on deck; I jumped out of my bed and began to dress myself; I had time to put on an underskirt and my outer dress, and began to hook my dress when the collision took place. From the time that I heard the men blow the horn to the time I heard the collision it was about six or seven minutes, to the best of my knowledge. I then put on my stockings and boots, and walked on deck. The way I was taken on board the other vessel, I can't exactly say.

Int. 4. Was there a light in your state-room?

Ans. There was no light in my state-room, but the light from the binnacle gave a very little in my state-room.

Int. 5. Was there enough light to enable you to find your clothes easily?

Ans. With difficulty.

Int. 6. Did you go on board the schooner, and where did she go to?

Ans. I did. She went to Salem.

Int. 7. Did you hear the captain of the schooner say anything about the collision? and if yea, what?

Ans. I heard him say that he was sleeping at the time in his arm-chair, with his head on the table, and that it was the noise that woke him.

Int. 8. Did he say what noise?

Ans. When the two vessels struck together.

Int. 9. Was there another female passenger, and did you or not awaken her?

Ans. There was another female passenger, but the noise of the vessels striking together waked her.

Int. 10. Did you do anything in reference to getting her out?

Ans. It was with hard trouble that I made her go out from her bed.

Int. 11. For what reason, if you know?

Ans. She was so frightened.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. Are you related to the captain of the bark? Are you a French Nova Scotian?

Ans. I am his sister-in-law. I was married to his brother. I am a French Nova Scotian.

Direct, resumed.

Direct int., resumed, 1. Was your husband lost at sea, and how long has he been dead, and how long did you live with him?

Ans. He was lost at sea three years ago the tenth of last March. I lived with him but five weeks.

Direct int., resumed, 2. Had the captain left the cabin when you rose from your berth? Did the mate leave the cabin before you did?

Ans. I cannot exactly say whether the captain had left the cabin when I got up, for I was in my state-room, but I do not believe he was in the cabin. There was no one in the cabin when I went into it from my state-room.

Direct int., resumed, 3. Do you know whether Captain Lavashe was up through that night?

Ans. I saw him on deck about three-quarters of an hour before the collision took place.

SABINE LAVASHE.

Deposition of Michael Marchand.

Int. 1. State your name, age, and residence and occupation.

Ans. My name is Michael Marchand; age twenty-three years, and residence Isle Madame, Cape Breton, and I am a sailor.

Int. 2. Were you on board the bark Himalaya, on her late voyage from Pictou?

Ans. I was. I joined in Arichot.

Int. 3. Do you know of a collision between her and any other vessel and when and where?

Ans. I do know. It was about two o'clock in the morning, I cannot state exactly. It was about ten miles off Salem.

Int. 4. Where were you at the time, and what first called your attention to it?

Ans. I was at the helm at the time. The first thing that at-

tracted my attention was the blowing of the horn and hailing the vessel.

Int. 5. How long after you first heard the blowing of the horn and the hailing, before the collision?

Ans. To the best of my knowledge, five or ten minutes.

Int. 6. Standing at the wheel of the bark, could a man see the bows of the bark, why not?

Ans. Not at all, because the trunk on deck was too high.

Int. 7. How high is the trunk above the deck, and how near to the rail on each side?

Ans. I cannot say how many feet high, but I could not reach it with my hand while at the helm. There was breadth enough on each side for two men to pass between the trunk and the rail.

Int. 8. What time did you take the wheel; what course were you steering before, and at the time of the collision?

Ans. I took the wheel about five minutes past twelve. I was steering southeast and by south.

Int. 9. How was the wind?

Ans. Southwest by south.

Int. 10. How was the bark sailing as to the wind?

Ans. The bark was close to the wind, as near as she could be.

Int. 11. Had she been so from the time you took the wheel?

Ans. She had.

Int. 12. Did you see the schooner before she struck the bark?

Ans. I did not.

Int. 13. When they came together, how did they swing their heads?

Ans. After the vessels boarded each other the schooner came along side of the bark; both vessels came with their heads pretty nearly with the wind, but not entirely so.

Int. 14. How soon after the collision did you leave the wheel, and where did you go to?

Ans. I cannot say, about five or ten minutes after the vessels first struck. After leaving the wheel I went to put the smallest boat overboard, but didn't have time on account of the water being over the deck. I then jumped on board the schooner. We arrived at Salem about six o'clock the same morning.

Int. 15. Where did you go to on the schooner after you got aboard of her?

Ans. I went forward to help them with the anchor on the deck. I then helped them to furl the jib. I then went into the forecastle.

Int. 16. Did you see the colored crew, or any of them, of the schooner in the forecastle, and what were they doing?

[Objected to.]

Ans. When I went down into the forecastle three of them were there; two were playing cards, all-fours, and one looking on.

Int. 17. What did you do on the schooner after that, where did you stay till morning?

Ans. After being in the forecastle and seeing them play cards, I got afraid and went on deck and kept watch till they got done playing cards.

Int. 18. How long did they play?

Ans. About an hour.

Int. 19. Are you related to the captain of the bark? How long have you known him?

Ans. Not at all. I have been acquainted with him about five years.

Int. 20. Do you know whether any of the crew of the bark are related to the captain?

[Objected to.]

Ans. I don't that they are.

Int. 21. Were there regular watches kept on board the bark?

Ans. Yes.

Int. 22. Can you speak English?

Ans. I cannot.

Int. 23. Did you ever tell any one that there was no watch kept on the bark, or any words to that effect?

Ans. I did not.

Int. 24. Did you ever tell any one that the men on the bark went to sleep when they were on watch, or anything like it?

Ans. I never said anything of the kind.

Crosss-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. What have you been doing since the collision?

Ans. Nothing at all.

Cross-int. 2. At whose expense have you been living, and in whose pay?

Ans. I believe I shall have to pay my expenses myself.

Cross-int. 3. Are you not to receive your wages while staying here from the owners of the bark or the master?

Ans. I do not know whether I will be paid or not.

Cross-int. 4. How much space was there aft between the house and the stern rail of the bark?

Ans. I cannot say exactly, but I believe between six, and six and a half feet.

October 24, 1856.—Examination resumed.

Direct int., resumed, 1. Hear the 14th question in chief, and your answer to it as it now stands, and state if you mean to say that you remained at the wheel after the collision?

Ans. Immediately after the vessels came together the concussion caused a jerking of the wheel, and caused me to drop it, and I went forward.

Direct int., resumed, 2. Please state if you understood the 14th

question when put to you the other day, and to what did you refer when you said you remained five or ten minutes?

Ans. I understood I was asked what time I remained on the deck of the bark after the collision.

Direct int. resumed, 3. Did you see any light on the bark after the horn began to blow and before the collision, and where was it? Could you see the lantern itself?

Ans. I did see a light before the collision, and after the blowing of the horn. I don't know exactly upon what part of the deck it was, but I know it was forward of the house by the reflection it gave on the sails. I could not see the lantern itself.

Direct int. resumed, 4. What did the coming together of the vessels do to the wheel of the bark? Describe it.

Ans. It jerked round several times and caused me to drop it, and I walked forward.

Direct int. resumed, 5. Could you or not hold it when it jerked around as you have stated?

Ans. I could not, and no man could have held it.

Direct int. resumed, 6. After leaving the wheel where did you go, and what do before leaving the bark?

Ans. I went immediately to the boat and tried to put it overboard, the small boat was in the long boat, but didn't get time and jumped aboard the schooner.

His
MICHAEL ⋈ MARCHAND.
mark.

The Deposition of William Venou.

Int. 1. State your age, residence, and occupation.

Ans. I am twenty-three years old; I reside in Arichot, Nova Scotia, and am a sailor.

Int. 2. Were you on board the bark Himalaya, on her late voyage from Pictou?

Ans. I was, as one of the crew before the mast.

Int. 3. If anything happened to said bark, state where, when, what, and all you know about it. State fully.

Ans. On the eleventh day of September, Thursday morning, we saw a schooner about a mile and a half to two miles off. We didn't know which way she was laying when we first saw her; then after a little while we saw she was coming on before the wind, and we were on the wind. The wind was southwest by south, and we were steering southeast by south. When we saw the vessel on our lee side, we hollow to the vessel to keep away, and we blow on the horn as loud as we could, and we sung out to keep away about twelve minutes before she struck; and then the schooner struck the brig on the lee side, aft of the fore-chain. We tried to launch the jolly boat. Our captain came on deck with a light. We had

not time to launch the jolly boat, and we jumped aboard the schooner.

Int. 4. Where were you when you first saw the schooner—how many were on deck, and who were?

Ans. I was standing on top of gallant forecastle. Four were on deck beside the man at the wheel. Michael Marchand was at the wheel; Register Petitpau was on the forecastle with me. The second mate was walking on the deck. I forget the name of the other man; he was on the deck.

Int. 5. Who first saw the schooner?

Ans. We saw the schooner together, the second mate, and me and Petitpau.

Int. 6. Did the schooner change her course after you saw her?

Ans. No, sir.

Int. 7. Did the bark change her course after you saw the schooner?

Ans. We were on the wind; we could not change our course. We were going as close as we could.

Int. 8. What time was the collision; how long after the moon went down?

Ans. The moon went down at one o'clock. The vessels came together at two o'clock.

Int. 9. Where was the captain when you first saw the schooner, and when did he come on deck?

Ans. Soon as we began to sing out, keep away, and to blow on the horn, the captain came on deck with a light.

Int. 10. What did the captain do with the light, did you see?

Ans. He showed it to the vessel. He fetched the light on deck for to show it.

Int. 11. How did the schooner come on to the bark?

(Objected to.)

Ans. She came on to her amidships, on the lee side, aft of the fore-chain.

Int. 12. What did it do to the bark?

Ans. It cut the rail and the covering board, and about two planks under deck.

Int. 13. What did you do on the bark after the collision?

Ans. After the vessels came together we tried to launch the jolly boat. We hadn't time to launch it, and we jumped aboard the schooner. The bark sunk. After we got aboard the schooner the bark went head foremost right to the bottom.

Int. 14. What part of the bark sunk first, and was there any water on her deck when you jumped on to the schooner, and how much?

Ans. She went head foremost. The bow was going underneath the water when I jumped off. On the deck it was about a foot and a half?

Int. 15. What part of the deck was the water about a foot and a half deep?

Ans. About the middle of the deck.

Int. 16. How high was the bark's deck above the water before the *the* collision?

Ans. About two feet, or two feet and a half.

Int 17. At the time of collision, did the vessels swing together; which side to which side?

Ans. The schooner struck, and then swung alongside of the bark, her starboard side to the larboard side of the bark.

Int. 18. Did they swing to or off the wind?

Ans. The schooner struck the bark on the lee side, and that fetched the bark to the windward.

Int. 19. State whether or not the crew of the bark saved anything.

Ans. No, sir; not the worth of a copper—not any clothes, except what we had on. Only one that was below got his shoes on. The cook and two of the sailors didn't get their shoes on.

Int. 20. State whether you heard the mate or men of the schooner say anything after you were on board, and who, and what.

(Objected to.)

Ans. After we got on board of the schooner, we helped them haul in the anchor. It was over the bow; and after the anchor was up, the watch on deck of the schooner went in the forecastle and played cards. The forecastle was on deck. One of the bark's men kept watch forward for one of the schooner's crew to play cards; he asked him to keep watch for him; and I heard the men of the schooner say that they only cared for the fire and the rock; that they didn't care for any vessel. I heard the mate of the schooner tell the second mate of the bark that he didn't haul up his course at all for the bark.

Int 21. State whether you saw any cards after you got on board the schooner, and where, and how soon after you got on board.

(Objected to.)

Ans. After we raised the anchor I did, as I told you before. The cards were on the top of a sailor's chest in the forecastle. It was right after we raised the anchor.

Int. 22. Who blew the horn when you saw the schooner approaching? Who sung out to her to keep off?

Ans. I blew the horn, and the second mate sung out.

Int. 23. Did you hear any sail from the schooner before she struck the bark?

Ans. No, sir; no man halloed. We didn't hear anything, or see any body aboard of the schooner.

Int. 24. Did you leave the top of the gallant forecastle after you saw the schooner, before she struck the bark?

Ans. I did. When the vessel gave the blow I was standing on deck.

Int. 25. Describe what part of the schooner first touched the bark, and what it did to the schooner.

Ans. The cutwater of the schooner struck the bark. It broke the jib-boom, split the bowsprit, and carried away the cutwater of the schooner.

Int. 26. Did you help any of the passengers aboard the schooner? What cargo had the bark?

Ans. I did. I caught hold of one of the girls, and one of the sailors caught hold of the other. The bark's cargo was coal.

Int. 27. How long after you first blew the horn before the schooner struck the bark?

Ans. About ten to eleven minutes.

Int. 28. Did you blow the horn more than once?

Ans. Yes, sir; I blowed the horn till she nearly gave the blow. I saw she wouldn't keep away.

Int. 29. What is your native language?

Ans. French.

Int. 30. State whether or not, while you was blowing the horn, any one cried out to the schooner, and who.

Ans. One blew on the horn, and two sung out to keep away—the second mate and one of the men.

Int. 31. Are you related to the captain of the bark?

Ans. No. I never knew the captain before this voyage.

Int. 32. Are any of the crew related to him, to your knowledge?

Ans. That is more than I can say. Some of the crew I don't know. I know their name, and that is all.

Int. 33. Were there regular watches kept on board the bark on this voyage?

Ans. Yes, sir; couldn't be better.

Int. 34. Did you ever tell any of the schooner's men, or anybody, that there was no watch kept on the bark, or any words to that effect?

Ans. No; I never did. I never heard that.

Int. 35. Did you ever tell any one that the men on the bark went to sleep when they were on watch, or anything like it?

Ans. No; I never did.

Cross-examination by C. W. Loring, esq., proctor of respondents.

Cross-int. 1. Are you a French Canadian?

Ans. I am a French Nova Scotian.

Cross-int. 2. How long have you been staying here, and what have you been doing?

Ans. Since the bark was lost I have been doing nothing.

Cross-int. 3. Who has been paying your expenses?

Ans. The captain has made me stop here; he pays my board.

Cross-int. 4. In what watch were you at the time of the collision; when did you come on deck?

Ans. The second mate's watch. I came on deck at twelve o'clock.

Cross-int. 5. Who were in your watch?

Ans. The second mate, me, Petitpau, and Michael Marchand.

Cross-int. 6. Who composed the crew of the bark?

Ans. Ten crew, and three passengers.

Cross-int. 7. What were you doing on the bark before you saw the schooner?

Ans. I was walking the topgallant forecastle.

Cross-int 8. How many knots were you going?

Ans. I don't know. I can't say.

Cross-int. 9. What sail were you under?

Ans. We had fore-sail, fore top-sail, fore-topgallant sail, main-sail, and fore-topmast staysail, jib and flying jib, and a spanker, and main-topsail and main-topgallant sail. We had all sail set except the main royal.

Cross-int. 10. Were there any other vessels in sight when you blew the horn?

Ans. We did not see any but that one.

Cross-int. 11. What sort of a light did the captain bring on the deck of the bark; what did he do with it?

Ans. It was a lantern, with fluid light. He showed it to make the vessel see the light.

Cross-int. 12. What became of the light the captain had?

Ans. I don't know what he did with it. I saw him with it.

Cross-int. 13. How long did it take you to raise the anchor?

Ans. I didn't look at the watch. I can't say how long—about 15 minutes, I suppose.

Cross-int. 14. Who was playing cards on board the schooner?

Ans. Two of the sailors, darkey.

Cross-int. 15. What game were they playing?

Ans. All-fours.

Cross-int. 16. How long did they play?

Ans. Till they got to the mouth of Salem harbor, except that the mate called them on deck for a few minutes to do something.

Cross-int. 17. How many of the crew of the schooner were in the forecastle when they were playing?

Ans. There were three, one looking at the two playing. It was his watch below, and he was asleep [?] in his bunk, and looking at the two playing.

Cross-int. 18. Do you know the names of those playing?

Ans. No, sir.

Cross-int. 19. Where were your crew at this time?

Ans. Some were in the forecastle; the mate of the bark and four of the crew were in the forecastle.

Cross-int. 20. Where were the rest of your crew, and what were they doing?

Ans. Some were walking on deck, and one was keeping watch forward the whole of the time.

Cross-int. 21. How long were they playing?

Ans. Till they got to the mouth of the harbor. I can't say how long.

Cross-int. 22. Were they playing a quarter of an hour?

Ans. More than that, I think. I am not sure.

Cross-int. 23. Did they play half an hour?

Ans. They played from after they raised the anchor till they were in the mouth of the harbor, except the few minutes the captain called them on deck. I don't know. I can't say whether it was half an hour.

Cross-int. 24. Where was the captain of the schooner when they were playing?

Ans. Sometimes he was in the cabin, sometimes on deck.

Cross-int. 25. Where was the mate of the schooner?

Ans. The mate was walking about the deck.

Cross-int. 26. Did the captain or the mate see them playing?

Ans. I don't know.

Cross-int. 27. Did you see any light on board the schooner as you neared her before you struck?

Ans. No, sir. I didn't see no light at all.

Direct, resumed.

Direct int., resumed, 1. Had the bark a skylight? describe it.

Ans. Yes; the same as the schooner, except it was bigger. It was on top of the house. The skylight was about two feet and a half above the house; it was glass, and like an A. The top of the house was about three or four feet higher than the rail.

Direct int., resumed, 2. State whether or not there was a light in the skylight before the collision?

Ans. Yes, sir.

Direct int., resumed, 3. State whether or not the bark had a light in his binnacle before the collision?

Ans. He had.

Cross-examination, resumed.

Cross-int., resumed. How long before the collision had the light been in the skylight?

Ans. From dark. There was a light all night in the skylight.

His
WILLIAM ⋈ VENOU.
mark.

UNITED STATES OF AMERICA,
District of Massachusetts.

I, Elias Merwin, a commissioner in and for the District of Massachusetts, appointed by the circuit court of the United States for

Ans. The second mate's watch. I came on deck at twelve o'clock.

Cross-int. 5. Who were in your watch?

Ans. The second mate, me, Petitpau, and Michael Marchand.

Cross-int. 6. Who composed the crew of the bark?

Ans. Ten crew, and three passengers.

Cross-int. 7. What were you doing on the bark before you saw the schooner?

Ans. I was walking the topgallant forecastle.

Cross-int 8. How many knots were you going?

Ans. I don't know. I can't say.

Cross-int. 9. What sail were you under?

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Cross-int. 10. Were there any other vessels in sight when you blew the horn?

Ans. We did not see any but that one.

Cross-int. 11. What sort of a light did the captain bring on the deck of the bark; what did he do with it?

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Ans. I don't know what he did with it. I saw him with it.

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Ans. Till they got to the mouth of Salem harbor, except that the mate called them on deck for a few minutes to do something.

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Ans. There were three, one looking at the two playing. It was his watch below, and he was asleep [?] in his bunk, and looking at the two playing.

Cross-int. 18. Do you know the names of those playing?

Ans. No, sir.

Cross-int. 19. Where were your crew at this time?

Ans. Some were in the forecastle; the mate of the bark and four of the crew were in the forecastle.

Cross-int. 20. Where were the rest of your crew, and what were they doing?

Ans. Some were walking on deck, and one was keeping watch forward the whole of the time.

Cross-int. 21. How long were they playing?

Ans. Till they got to the mouth of the harbor. I can't say how long.

Cross-int. 22. Were they playing a quarter of an hour?

Ans. More than that, I think. I am not sure.

Cross-int. 23. Did they play half an hour?

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Ans. Sometimes he was in the cabin, sometimes on deck.

Cross-int. 25. Where was the mate of the schooner?

Ans. The mate was walking about the deck.

Cross-int. 26. Did the captain or the mate see them playing?

Ans. I don't know.

Cross-int. 27. Did you see any light on board the schooner as you neared her before you struck?

Ans. No, sir. I didn't see no light at all.

Direct, resumed.

Direct int., resumed, 1. Had the bark a skylight? describe it.

Ans. Yes; the same as the schooner, except it was bigger. It was on top of the house. The skylight was about two feet and a half above the house; it was glass, and like an A. The top of the house was about three or four feet higher than the rail.

Direct int., resumed, 2. State whether or not there was a light in the skylight before the collision?

Ans. Yes, sir.

Direct int., resumed, 3. State whether or not the bark had a light in his binnacle before the collision?

Ans. He had.

Cross-examination, resumed.

Cross-int., resumed. How long before the collision had the light been in the skylight?

Ans. From dark. There was a light all night in the skylight.

His
WILLIAM ⋈ VENOU.
mark.

UNITED STATES OF AMERICA,
District of Massachusetts.

I, Elias Merwin, a commissioner in and for the District of Massachusetts, appointed by the circuit court of the United States for

the first circuit, under the act of Congress authorizing the appointment of commissioners "for the more convenient taking of affidavits and bail, to be used in civil causes depending in the courts of the United States," and the acts additional thereto, do hereby certify, that the reason for taking the foregoing depositions is, and the fact is, that the said witnesses are material and necessary witnesses in the cause in the caption of the said deposition named, and live at a greater distance than one hundred miles from the place of trial of the cause for and in which said depositions are taken.

I further certify, that on the 21st, 22d, 24th, and 31st days of October, and the 7th day of November, in the year 1856, I was attended by said T. H. Russell, proctor of the libellant, by C. W. Loring, proctor for the claimant, and the said witnesses, who were of sound mind and lawful age, and the said witnesses having been by me first carefully examined and cautioned and sworn to testify the whole truth in the cause aforesaid, did answer to the interrogatories and cross-interrogatories put to them, and the testimony given by them was by me reduced to writing in the presence of the witnesses, and that they subscribed the same as and for their depositions, in my presence, and that I have retained the said deposition in my possession for the purpose of forwarding it under my own hand to the court for which they were taken, with this certificate of the reason of their being taken.

I further certify, that I am not of counsel or attorney to either of the parties in the cause in and for which the said depositions were taken, nor in any way interested in the event of said cause.

In testimony whereof, I have hereunto set my hand this seventh day of November, in the year of our Lord eighteen hundred and fifty-six.

E. MERWIN,
Comms'r of the Circuit Court of U. S. Mass. Dist.

Respondent's Proofs.—Deposition of Daniel Mattix.

Interrogatory 1. What is your name, age, and business, and where do you reside, and how long have you followed the sea?

Answer. My name is Daniel Mattix, my age is thirty-four, and I follow the seas, which I have done for seventeen years. I have been going mate of coasting schooners for seven years, and prior to that before the mast.

Int. 2. To what vessel do you belong, and when did you ship, and upon what voyage?

Ans. I am mate of the schooner A. L. Crawford, Captain A. Blackburn, [?] of Philadelphia; I shipped the tenth of March last, on a voyage from Philadelphia to New Orleans, and since then I have been in her, coasting.

Int. 3. Where is the schooner A. L. Crawford now, and when did she arrive there, and from what voyage?

2665

Ans. She lies at Salem, where she arrived from Philadelphia on the twelfth of September last, at about six o'clock. a. m., on Thursday.

Int. 4. Were you on the deck of the schooner on the night previously to the day of your arrival in Salem; if so, state what hours you were there?

Ans. I was on deck at twelve o'clock till four in the morning.

Int. 5. What was the state of the weather and the sky when you first came up on deck, and what changes, if any, took place?

Ans. It was some cloudy in the north when I came on deck. The latter part it grew more so.

Int. 6. How was it as to the moon; when did it set that night?

Ans. I think the moon set about twenty minutes past one.

Int. 7. Who were in your watch, give their names, and where were they stationed?

Ans. One of them is named George Bennett, the other is named William, I don't know his whole name. Bennett was forward and William was at the helm.

Int. 8. State what occurred during your watch that night?

Ans. We were in collision with the bark Himalaya. It wanted twenty minutes to two, I think, when we came in contact with her. When I first saw her I supposed she was running with the wind, free, and then I saw her spring a luff, and I sang out to the man to put the wheel down, and we came in contact. We were running northwest by west, with the wind southwest by west; we were on the larboard tack, and the bark was on the starboard tack. The starboard bow of the schooner struck the larboard bow of the bark; she carried away our cut-water and jib-boom, and tore our sails, and damaged our bends on the starboard side, which made the schooner leak some. The crew of the bark came aboard of our vessel, and two lady passengers and one gentleman. The bark sunk in about eight minutes after she struck, and the schooner went into Salem. This collision took place about ten miles from Baker Island; we had just made the light. The light was bearing about northwest from the schooner.

Int. 9. How long before the collision had the master been on deck?

Ans. I think he was on deck before the collision about fifteen minutes; he was not on deck when the collision took place.

Int. 10. When did your watch begin? Who was in the other watch?

Ans. At twelve. The captain, and John, and another man, I don't remember his name.

Int. 11. Where were you standing when you first saw the Himalaya; where were the rest of the crew?

Ans. I was standing midships, forward of the mainmast. Two of the crew had turned in, and one was in the watch, and the man at the helm.

Int. 12. What was the state of the sky and sea when the collision took place? State fully.

Ans. It was cloudy. There was some sea. It was cloudy in the north and in the east. It was starlight some overhead.

Int. 13. How many knots were you going; were you close-hauled or free?

Ans. We were going about six knots; we had one point free.

Int. 14. Where was the man on the watch stationed at the time of the collision?

Ans. He was stationed forward to leeward.

Int. 15. Was there or not any signal or hail made from the bark before the collision?

Ans. I heard none.

Int. 16. What was the first notice you had of the bark's approaching you?

Ans. I see her. The first I see her keep away, and then I saw her luff.

Int. 17. How long before the collision did you see her, and how far off was she?

Ans. When I first saw her I should judge she was a mile off, about one minute before the collision.

Int. 18. Did you or not anticipate that she would come in collision when you first saw her?

Ans. No, sir.

Int. 19. When did you first judge that she would come into collision?

Ans. When she began to luff.

Int. 20. Would or would she not have come in collision if she had not luffed?

(Objected to.)

Ans. They would not have come together if she had not luffed.

Int. 21. On which side would she have passed if she had kept her course?

Ans. She would have gone to the leeward.

Int. 22. Was or was not any hail or signal made from the schooner to the bark?

Ans. Yes, sir.

Int. 23. State when and what?

Ans. The man who was on the lookout in my watch hailed her three times. He sung out to me that there's a vessel to leeward, and to the vessel, "keep off."

Int. 24. To whom did he sing out to keep off?

Ans. He sung out to the bark.

Int. 25. Were there or not any fog horns sounded on board the bark before she struck you?

Ans. I heard none.

Int. 26. Should you or not have heard them, if there had been any?

Ans. We would have heard them if there had been any horn.

Int. 27. How far could you see to the northward at the time of the collision?

Ans. I could see about a mile.

Int. 28. On which side of you was the bark when you first saw her, and in what direction? State precisely.

Ans. She was to the leeward of us some, about two points on our lee-bow.

Int. 29. Under what sail were you at the time of the collision?

Ans. We were carrying five sails, mainsail, foresail, jib, flying-jib, and jibby-jib. She had all sail set.

Int. 30. State when you luffed, whether it was before or after the bark luffed. State particularly what took place, and how long a time there was between the luffing and the collision.

Ans. The bark luffed first. The bark luffed before I did, and I found I couldn't get clear of her, I ordered the man to put the wheel down to get the vessel on the other tack, to get out of her way, and by the time our vessel came in the wind our sails were shaking when the bark struck.

Int. 31. At what time did the man at the lookout call out to you "a vessel to leeward," and to the bark "to keep off?"

Ans. Just before we struck, about the time we were luffing.

Int. 32. You say the schooner had all sails on her; had she or not light sails besides the five you have mentioned?

Ans. We had three light sails stowed away not set, maintopsail, fore-topsail, and stay-sail.

Int. 33. In what direction could you see the best, to the northward or the southward?

Ans. To the southward.

Int. 34. State why.

Ans. It was cloudy in the north.

Int. 35. How was it in the south, and how in comparison with the north?

[Objected to.]

Ans. It was some cloudy in the south, but not so cloudy in the north.

Int. 36. Had you or not a light on board; and if yea, where?

Ans. We had a light in the sky-light.

Int. 37. State where the sky-light was, and how it was made?

Ans. On top of the house on the quarter. The sky-light is in the middle of the house; it extends some above the house; it is an A sky-light. The glasses are on the sides and top, so that the light can be seen.

Int. 38. How high does the top of the sky-light come up above the main deck?

Ans. About seven feet above the main deck. The quarter deck is five feet above the main deck, and the top of the house is about

two feet above the quarter deck. The floor of the cabin is on the main deck.

Int. 39. What sort of a light was in the sky-light?

Ans. A signal lamp. It hangs there all the time. It is put there so that the sailors can see the time at the wheel. The clock hangs up in the sky-light. It was a common fluid lamp, with two wicks.

Int. 40. Can or cannot the light in the sky-light be seen by vessels approaching the schooner?

Ans. Yes, sir.

Int. 41. In what way?

Ans. In my position.

Int. 42. Had or had not the bark a light visible at the time of the collision?

Ans. I see no light.

Int. 43. Did you or not keep a log on board?

Ans. Yes, sir.

Int. 44. Is this the log now produced to you?

Ans. It is. It is marked by the commissioner—"Log Book, E. Merwin, Comms'r."

[The proctor for libellant objects to the introduction of the log book as evidence.]

Int. 45. Was it not correctly kept; are or not the courses and directions of the wind therein stated correctly?

[Objected to.]

Ans. Yes, sir.

Int. 46. When did you make the statement of the day's work in which the collision is stated?

Ans. The morning after the collision.

Int. 47. How many all told were on board the schooner before the collision?

Ans. Seven; master and mate, four seamen, and steward.

Int. 48. You have stated in answer to the 3d interrogatory, that you arrived in Salem on Thursday, the twelfth of September; if Thursday was the eleventh, state on which day you arrived, on Thursday, or on the twelfth?

Ans. It was on Thursday, the morning of the collision.

Int. 49. Did you or not have any conversation with any of the passengers of the crew of the bark, and if you did, state with whom it was, and what was said?

(Objected to.)

Ans. I had conversation with one of the passengers, who said he was a painter by trade. He told me that there was no regulations on board the bark. That was all he told me.

Cross-examination by T. H. Russell, esq., proctor of libellant.

Cross-int. 1. How long have you been in this schooner, are you still in her, have you any interest in her?

Ans. I have no interest in her. I shipped in her the tenth day of last March, and am in her yet.

Cross-int. 2. Were all the crew colored, how many had she, how long have you known them, or any of them?

Ans. They were all colored crew. She had four men before the mast. I had known one of them some time before he shipped by sight. The rest of them I didn't know till they shipped. We shipped two men the last trip at Boston, and the other two we shipped in Philadelphia.

Cross-int. 3. What kind of a breeze were there that night, could you carry your light sails?

Ans. There was about a six-knot breeze. We could have carried our light sails?

Cross-int. 4. What way and where were you heading at the time of the collision—had you changed your course after doubling Cape Cod?

Ans. We hauled our sheets aft at nine o'clock, and hauled our vessel on her course for Baker Island after we had doubled Cape Cod.

Cross-int. 5. Why did you not carry your light sails?

Ans. We were in no hurry to get up before daylight, and for that reason we kept our light sails furled.

Cross-int. 6. What time did you take in your light sails?

Ans. At half-past nine in the evening.

Cross-int. 7. Did you luff before the man called out that there was a vessel to leeward?

Ans. No, sir, I didn't.

Cross-int. 8. Did you see the bark before the man at the lee-bow called out that there was a vessel to leeward?

Ans. Yes, sir.

Cross-int. 9. Who made the entries in the log book? if you, when did you make the entries, if any are there, in relation to this collision, all matters relating to the affairs of the night before your arrival in Salem? Did you have any talk with the captain before making them, or did he tell you what to enter?

Ans. I made them. I made the entries in the morning. The captain told me what to enter.

Cross-int. 10. What course was the schooner on, and what the bark, when you first saw the bark?

Ans. When I first saw the bark the schooner was steering northwest by west, and I couldn't tell exactly how the bark was steering.

Cross-int. 11. Had the wind changed its course within twenty-four hours of the collision?

Ans. It had. Coming round Cape Cod we had the wind south-southwest. Tuesday, at one o'clock, P. M., sea time, the wind was southwest, at midnight it was south-southwest; the latter part of the day, sea time, south-southwest. Wednesday, at twelve M,

southwest; at nine and a half P. M. southwest by west; midnight, southwest by west, and continued so to Thursday morning.

Cross-int. 12. Did you alter your course after passing Cape Cod? if yea, how much, and how? State fully.

Ans. We altered our course to northwest by west.

Cross-int. 13. At what point did you alter to the northwest by west?

Ans. We were up with Cape Cod.

Cross-int. 14. And did you continue that course till the time of the collision?

Ans. Yes, sir.

Cross-int. 15. What was done after the collision? State how the bark was injured; did you lay to, and how long?

Ans. I didn't have time to see how the bark was injured. I was so confused about that time I couldn't give any satisfaction. We laid to a little while, not a great while; got our vessel fitted up so that we could proceed on.

Cross-int. 16. Can you tell on what part of the bark she was struck?

Ans. I think she was struck on the larboard bow, forward of the fore-rigging.

Cross-int. 17. How near the fore-rigging? Was the schooner's jib-boom foul of the bark's rigging when they came together?

Ans. I can't tell how near the fore-rigging the schooner's jib-boom was foul, but I could not tell what position it was foul of her.

Cross-int. 18. What did you do to the schooner before proceeding?

Ans. We got our gearing in board, our jib-boom rigging, and our anchors.

Cross-int. 19. Did the schooner clear the bark before the bark sunk, and how did the bark sink? How soon, and which end foremost?

Ans. She cleared the bark. The bark went down head foremast first. She sunk in about eight minutes after we struck.

Cross-int. 20. Where did you find your anchors after the collision?

Ans. Our anchors were off the bow, both anchors. The lashings had given way partly at both ends, at the cat-heads and bows. One of them had slipt aft, and the after part of the lashing gave way. That threw the anchor off the bow, and it hung to the cat-head.

Cross-int. 21. Was or not the schooner's cutwater carried away?

Ans. It was, and hole knocked in her on the larboard bow.

Cross-int. 22. After the vessels struck, did they or not swing broadside together; and which sides together?

Ans. They did. She swung around on our starboard side, with her larboard side.

Cross-int. 23. Do you say there was a hole knocked in the bow of the schooner? If so, which bow: where was it, exactly?

Ans. It was in the larboard bow, just above the plank shear—that is, above the deck, in the bulwarks. It was under the cat-head, somewhere thereabouts. I suppose the anchor knocked the hole in.

Cross-int. 24. How many lanterns had you on board the schooner?

Ans. One in the binnacle, one in the sky-light, and another spare lamp, which we sometimes carry on the jib-boom dark nights. We have it put up when we are at anchor.

Cross-int. 25. Was the object and purpose of this light mentioned in the 37th answer to light the cabin; how far from the stern of the schooner was the sky-light; does the after-boom swing over the sky-light?

Ans. The light in the sky-light is put there so that the sailors can see the time at the wheel. It lights the cabin some. We have another lamp we use on purpose for the cabin. I should judge the sky-light was ten or twelve feet from the stern; I cannot tell exactly. The after-boom swings over the sky-light, some two feet above it, when the sail is up.

Cross-int. 26. How soon did you look at the time after the collision?

Ans. That I couldn't tell. I was confused about that time.

Cross-int. 27. How near were the vessels at the time you say there was a hail from the schooner; how long after this hail before the vessels were together?

Ans. I couldn't tell how near they were together at that time. It is impossible for me to tell—pretty near together, though. I couldn't tell how soon after they were together. It was very quick done. A man had time to hallo three times.

Cross-int. 28. Have you a difficulty in your hearing, and how long have you had it?

Ans. I have. I have had it since I came into Salem, a week ago. I never heard it before.

Cross-int. 29. What were you doing on deck just before you saw the bark, and in what part of the schooner were you?

Ans. I was on the poop-deck, amidships. I was walking the deck and looking out to leeward.

Cross-int. 30. Would there have been a collision if you had not put your helm hard down?

Ans. Yes, sir; I think there would.

Cross-int. 31. Is the captain part owner of the schooner?

Ans. Yes, sir.

Cross-int. 32. State how soon after the bark sprung a luff, as you said, before you put your helm hard down?

Ans. I couldn't tell. The man halloed before I spoke to the man at the wheel to put the helm hard down. I saw the bark luff,

and I found I couldn't keep off to clear her. I sung out to the man to put the wheel down in order to get the vessel on the other tack. I thought I could do that and clear her.

Cross-int 33. Did you get a lantern before the bark and schooner were separated and the bark sunk?

Ans. We got no light until after the bark sunk.

Cross-int. 34. Was your cutwater carried away, and will it be necessary to take it out to repair her; what rigging of the schooner was damaged, and to what extent?

Ans. The cutwater was carried away. I should judge it would be necessary to take it out to repair her. Some of the head gear was damaged, the back ropes and guys.

Cross-int. 35. How big was the hole you speak of in the bulwarks on the larboard side?

Ans. I couldn't tell exactly—it was a pretty large hole—knocked in by the fluke of the anchor, I suppose.

Direct, resumed.

Direct int., resumed, 1. What did the captain tell you to enter in the log about the collision? State all that he told you.

(Objected to.)

Ans. He told me to enter in what had been transacted.

Direct int., resumed, 2. Did you or not go aloft before the collision; and if so, how long?

Ans. I did not. The captain was aloft about fifteen minutes, I think, before the collision.

Direct int, resumed, 3. On which tack were you after you came in collision?

Ans. That I don't know; I was confused about that time. I don't know what position the vessel was in.

Direct int., resumed, 4. Was or was not the light in the binnacle lit at the time of the collision?

Ans. It was.

Direct int., resumed, 5. What is the difficulty in your hearing owing to. Can you or not hear questions in the usual tone of conversation, when distinctly put?

Ans. I was taken with the ear-ache, and had a heavy cold. I can hear as inquired of.

Cross-examination, resumed.

Cross-int., resumed, 1. Does the binnacle light show forward?

Ans. Yes, it shows forward by the shade of the light. There is an opening on each side of the binnacle, but the front is boarded.

Cross-int., resumed, 2. Did you and the captain talk about the collision after it happened, and while you were getting up to Salem?

Ans. We did.

DANIEL MATTIX.

Deposition of George Bennett.

Int. 1. What is your name, age, and occupation, and how long have you been in the same?

Ans. My name is George Bennett; I am thirty years old; I have been going to sea the last eight years. I live in Philadelphia.

Int. 2. Were you on board the schooner A. L. Crawford on her last trip to Salem; and if so, where did you join her, and in what capacity; and when did you arrive in Salem?

Ans. I was on board of her. I joined her in Philadelphia, August 8, 1856, before the mast. We arrived in Salem on the 11th of September; I think it was about seven o'clock in the morning, on Thursday.

Int. 3. Were you on deck at any time during the night before you arrived at Salem; and if so, state during what time.

Ans. I was, from twelve o'clock at night till we got to Salem.

Int. 4. Was or was not the crew divided into watches; and if so, how, and in which watch were you?

Ans. It was. I was in the mate's watch, William Havens was also. John Waters and James Hewson were in the starboard watch.

Int. 5. State all that took place after twelve o'clock: what course you were steering; in which direction the wind was; how the moon was when it set; and what was the state of the sky and sea, and what happened after its setting.

Ans. I judged that the moon went down between twelve and one o'clock. After that it was very dark to the north, and some hazy; not so dark to the south. I didn't see any stars; I didn't notice in particular, but I didn't see any, to the best of my knowledge. There wasn't much sea. I wasn't at the wheel myself; I judged the wind was about southwest by west, somewhere along there. I should judge we were running a point or a point and a a half off—not more than a point and a half, at the outside. I was standing forward on the lookout, and the mate was at the main deck, speaking to me about something, but I misremember what it was about exactly. I was standing forward by the fore-rigging to the leeward, on the lookout. I saw this bark, and she didn't seem to be over a hundred yards off, if she was that far. I sung out, Mr. Maddix, there's a vessel to leeward, sir. Then I halloed, "Keep off," three or four times; the mate likewise halloed. She was close on to us, and I thought she was coming into us. I run to the forecastle, and sung out to the men who were below, and the mate sung out to the man at the wheel to down with the wheel and let her come up. By that time the bark was into us. When the bark struck the schooner was in the wind shaking. I run aft for something or other; I don't know what I run aft for—I was scared, you know; I run aft. By the time I got aft the bark was swinging around the schooner. I was doing something aft, clearing away the boat, I believe; the first I see was three or four of the bark's

men on board the schooner. The mate of the bark ran aft, and lowered away the boat. Some of them sang out, "Lower away the boat, sir." I commenced lowering away the boat, and the mate of the bark jumped into the boat. By that time some of them says the bark's gone. The captain sung out to the men to try the pumps. The captain says, George, come take the wheel. While I was standing at the wheel, a gentleman passenger from the bark stood on the quarter talking with me about this accident that happened. (He said that it was carelessness in the men on board the bark.)

[Objected to by libellant.]

He said they didn't half keep a look when they pretended to. He said that pretty much the whole crew were acquainted, and part of them some relation—so he said they done there about as they pleased. After the pilot took the wheel from me I was forward doing something, and the men that belonged on board the bark were in the forecastle speaking about it. (One of the men said they did pretty much as they pleased on board the bark—that when they came on deck to look out, they looked out if they thought proper to do so, and if they didn't they laid down and went to sleep. They said they wouldn't say anything to them, but let them do as they pleased. He said the captain was easy, and the mate was easy.)

[The proctor of libellant objects to all evidence of conversations.]

There were thirteen in all came on board from the bark, ten of the crew, and one gentleman and two lady passengers.

Int. 6. Was there or not any cry or signal made from the bark before she struck you?

Ans. I didn't hear any.

Int. 7. If there had been any signals made by fog-horns or otherwise from the bark, should you or not have heard them?

Ans. Yes, sir, I should have heard them, I think.

Int. 8. How far could you see to the northward at the time you struck?

Ans. I can't say. It was very dark northward. A person couldn't see but a very little way. I couldn't see any lights around at all.

Int. 9. Could or could not you have seen the bark before you discovered her?

Ans. I don't think I could.

Int. 10. On which tack were you after the collision?

Ans. She had her larboard tacks aboard, I believe. I disremember what tack she was on after they struck, whether she was on the starboard tack or not.

Int. 11. At what time did you leave the wheel?

Ans. I thought it was about six o'clock.

Int. 12. Who was present when you heard the bark's men forward?

Ans. I disremember whether any one was present besides the bark's crew. They were all in the forecastle, and I went in there after something when they said this.

Int. 13. How long was it after you saw the bark before she was into you?

Ans. I don't think it was over a minute or a minute and a half—not over a minute and a half, to the outside.

Int. 14. How many knots were you going?

Ans. I should judge at the rate of six or seven knots.

Int. 15. How long was it after the bark struck you before she sunk?

Ans. I don't think it was over eight or ten minutes—not over ten minutes, at the outside.

Int. 16. Had you or not any lights on board at the time of the collision, and if yea, where were they?

Ans. We had a light in the sky-light and a light in the binnacle.

Int. 17. Where was the sky-light, and how was it made?

Ans. On the top of the house, in the form of an A, and the light shines through the sides.

Int. 18. Could or not the light in it be seen as you approached the bark?

Ans. I think it ought to be seen, a light that shines as bright as that does.

Int. 19. What was the light in the sky-light, and how was it made?

Ans. *Is* was a globe lantern, with a fluid lamp with two burners.

Int. 20. State whether or not the sky-light comes above the rail?

Ans. Oh, yes, sir. I should judge it came up as much as two feet above the rail, any way.

Int. 21. Is the top of the house above or below the rail?

Ans. Above the rail.

Int. 22. Will you state whether or not the captain was on deck before the collision during the watch?

Ans. He was on deck. I know that he was on deck during my watch, because he told me to keep a good look out, but I don't remember how long it was before this accident.

Int. 23. At what time did the collision take place?

Ans. It was about twenty or twenty-five minutes past twelve, somewhere along there, sir.

Int. 24. Did the collision take place before the moon set, or after it?

Ans. After the moon set; as near as I can judge near an hour after the moon went down.

Int. 25. At what time do you mean to say that the collision took place?

Ans. I should judge it was about twenty or twenty-five past one.

Int. 26. You have said in answer to the 23d interrogatory that it took place at about twenty or twenty-five minutes past twelve—how is this?

Ans. Me, sir? did I say twenty-five minutes past twelve? I meant twenty-five minutes past one, if I said twenty-five minutes past twelve.

Cross-examination by T. H. Russell, esq., proctor of libellants.

Cross-int. 1. Have you talked this matter over with Captain Blackman, and how many times since it happened, or with any one else?

Ans. I don't know as I have talked with him or he with me at any time; I don't recollect that he has, nor with any one else.

Cross-int. 2. Do you mean to say that you have not talked this matter over with the rest of the crew, or any of them?

Ans. I have talked it over with the men, but nothing particular.

Cross-int. 3. What did the bark do after you saw her?

Ans. I did not see her do anything but keep her course. She was close on to us when I saw her. I halloed right away, soon as I saw her. She was close on to us.

Cross-int. 4. What kind of a breeze at the time?

Ans. A pretty good breeze—the schooner was going at the rate of six or seven knots.

Cross-int. 5. How was the bark sailing as to the wind when you first saw her?

Ans. What I could see appeared to be close hauled, but it was so dark and so close on I didn't take much account of that.

Cross-int. 6. Where did you stand exactly when you saw the bark first?

Ans. I was standing by the fore-rigging to leeward. I was right abreast of the foremast, leaning on the starboard rail, right against the rigging. I should judge the top of the rail is three feet and a half or four feet above the main deck.

Cross-int. 7. Did you ever tell any one that you did not see or that they did not see the bark on the schooner till after she struck, or words to that effect or purport?

Ans. No, sir.

Cross-int. 8. What parts of the vessel came together, and how?

Ans. What little I could judge, the schooner's cut-water took the bark just forward of the fore-chains.

Cross-int. 9. Did it cut the bark's side down, or how otherwise?

Ans. I can't tell. I can't tell whether it cut her through or knocked a hole in her, it was done so quick.

Cross-int. 10. Did the vessels part before the bark went down?

Ans. They had just barely got apart, just so that the bark's yards didn't strike the schooner as she went down.

Cross-int. 11. Can you speak French? do you understand French?

Ans. No, sir.

Cross-int. 12. How do you say the bark came into the schooner, head on, or how otherwise?

Ans. I think she came pretty much head on.

Cross-int. 13. Describe the injury to the schooner?

Ans. Her bend, starboard side, is cut up pretty bad—her cutwater all knocked off, and a hole knocked in her bulwarks a little abaft of the cat-heads; her jib-boom was knocked out and split her bowsprit in board. The jib-boom was broken right off by the cap of the bowsprit, and hung by the side.

Cross-int. 14. Did the vessels swing together after the collision, and which sides together?

Ans. They did, the starboard side of the schooner and the larboard side of the bark.

Cross-int. 15. Could you see Baker Island light at time of the collision?

Ans. No, sir, not from deck.

Cross-int. 16. Did you hear any hail from the bark, before they came together, of any kind?

Ans. No, sir.

Cross-int. 17. Was the rail of the schooner injured in any part of it?

Ans. I don't think it was.

Cross-int. 18. Did you sing out to the bark to keep off as soon as you saw her?

Ans. I did.

Direct, resumed.

Direct int., resumed. Were or were not the bends on the larboard side cut up?

Ans. No, it was on the larboard side.

His
GEORGE ✕ BENNETT.
mark.

The Deposition of William H. Havens.

Int. 1. What is your name, age, and residence, and occupation, and how long have you been in the same?

Ans. My name is William Henry Havens, age twenty-one years; I live in Penadquet, Long Island; I have been going to sea about seven years.

Int. 2. Were you on board the schooner A. L. Crawford on her last trip to Salem; and if so, when did you join her, and in what capacity, and when did you arrive in Salem?

Ans. I was; I joined her on the 29th of August last, before the mast. We arrived in Salem on Thursday morning, the 11th of September.

Int. 3. Were you on deck at any time during the night before your arrival in Salem? and if so, state during what time?

Ans. I was on deck from twelve o'clock at night till we got to Salem.

Int. 4. In which watch were you, who were in your watch, and when did you come on deck, and what was your duty?

Ans. I was in the mate's watch; George Bennett and me was in the mate's watch; I came on deck at twelve o'clock at night, and my duty was at the wheel.

Int. 5. State all that took place after twelve o'clock; what course you were steering, in which direction the wind was, how the moon was, when it set, and what was the state of the sky after its setting, and what happened?

Ans. I was steering northwest by west, the wind was southwest by west. There were a few stars to be seen overhead, not but a very few. It was very dark in the northward and eastward. It was lightest in the southward. You could see quite a piece in the southward. I couldn't see the man who was forward at the wheel. When George halloed "a vessel to leeward," the mate stood right by the mainmast. George halloed to the bark to keep off. The mate he turned round and walked aft. Then George ran aft, and said to the mate that she was about running into us. The mate told me then to roll the wheel down, so I rolled the wheel down, and let her come right up into the wind. My being at the wheel I supposed the light blinded me some so that I didn't see her till her jib-boom was coming right across our bows—that was the first I see of her. George halloed three times at the bark, and once at the men in the forecastle. There was no answer given from the bark, no horn blown, nor anything. The first time he halloed he was forward somewhere by the forerigging. I couldn't see him; the second time he was just aft of the forward hatch, right in the middle of the deck. When the bark hit us she swung right around. The third time George halloed he was on the poop. He called to the men as he came by the forecastle. When I first came on deck the captain was aloft looking for a light, I believe. When I came on deck the moon might have been twenty minutes high; it wasn't higher than that, I don't think. The sky was very thick in the northward after it set, and in the eastward. In the southward it was a little lighter. A very few stars were to be seen right overhead. We struck the bark on the larboard bow, I should judge a little forward of the forechain, I couldn't tell how much. The bark swung right around on the starboard side of us, and I don't think she was over eight or ten minutes in sinking. The crew of the bark got aboard of us when she swung alongside.

Int. 6. Was there any change in the wind or your course from twelve o'clock till the bark struck you?

Ans. No, sir; I don't think there was. There wasn't any change in our course, and I don't think the wind changed any.

Int. 7. How were you, as to the wind, when you struck?

Ans. We were in the wind.

Int. 8. If there had been any cry from the bark, or any blowing of fog horns, would you or would you not have heard it?

Ans. Yes, sir; we would have heard it, if there had been any.

Int. 9. Would you or not have cleared the bark, if you had borne away instead of luffing?

Ans. No, sir; we couldn't have cleared her no way then, she was so near to us.

Int. 10. Had you or not any lights on board the schooner, and, if yea, when?

Ans. We had a light in the binnacle, and a light in the sky-light.

Int. 11. Does, or does not the light in the sky-light shine on the mainsail?

Ans. Yes, sir; it does.

Int. 12. Did you or not see any light on board the bark?

Ans. No, sir? I didn't see any.

Int. 13. How much of the time was the captain on deck, from 12 o'clock till the collision? Where was he at the time of the collision?

Ans. He hadn't been below more than fifteen minutes before the collision. He had been on deck all the time after twelve o'clock, till then. He was below at the time of the collision. He was sitting in his arm-chair in the cabin at the time they struck.

Int. 14. How do you know he was in his arm-chair? What was he doing there?

Ans. I could see him there from the wheel, right through the companion-way. The doors were opened. He was setting resting his head on the table.

Int. 15. Did you notice the clock after the collision, and whether or not it had stopped?

Ans. No, sir, I didn't.

Int. 16. At what time was the collision; was it before or after the moon set?

Ans. It was after the moon set. It was about half-past one, I think.

Int. 17. Did you remain near where the bark sunk after the collision?

Ans. We were laying too there a little while getting her rigging on. I don't know how long.

Cross-examination by T. H. Russell, esq., proctor of libellants.

Cross-int. 1. Describe the way the cabin is built—how many steps up to the deck out of the cabin?

Ans. If I am not mistaken there are four steps from the cabin to the deck. The only entrance is just forward of the wheel. The floor of the cabin is even with the main deck.

Cross-int. 2. How long do you say you had been steering northwest by west before the collision?

Ans. I had been steering so about an hour and a half—since I took the wheel.

Cross-int. 3. What was the breeze at the time of collision?

Ans. About six or seven knots, I should think.

Cross-int. 4. Where was the mate at the time George first halloed as you have said, and what doing?

Ans. When George first halloed the mate stood just forward of the poop, on the main deck. I don't know what he was doing, I couldn't see. He had been walking backwards and forwards, and I had heard him and George talking.

Cross-int. 5. Could you see Baker Island light at the time of collision?

Ans. No, sir, not from the deck. I should not have known it if I had seen it, for I was never up here before.

Cross-int. 6. Had the light been made from the schooner before the collision?

Ans. Yes, sir. The captain had made it from the mast-head before he went down.

Cross-int. 7. Did you change the course of the schooner when the captain made Baker Island light?

Ans. No, sir.

Cross-int. 8. Did George sing out to the mate Maddix that there was a vessel to leeward before he sung out to the bark to keep off?

Ans. Yes, sir.

Cross-int. 9. How long before?

Ans. The words were no distance apart. He sung out to the mate and then out to the bark.

Cross-int. 10. How much did you change the schooner's course by putting the helm hard down?

Ans. I don't know rightly how many points. It brought her head into the wind. She was all in the wind when the bark struck her.

Cross-int. 11. How were you sailing as to the wind before you saw the bark?

Ans. About one point free.

Cross-int. 12. Did the captain raise his head from the table before the vessel struck? if yea, how long before?

Ans. I don't think he had raised his head from the table before they struck.

Cross-int. 13. Are you still in the schooner?

Ans. Yes, sir.

Cross-int. 14. How long had the captain had his head on the table before the collision?

Ans. I can't rightly say. He had had his head down pretty nearly all the time he had been down there.

Cross-int. 15. Did the crew or passengers save anything from the bark?

Ans. No, sir—they said not.

Cross-int. 16. Where was the bark first struck, and what part of the schooner first came in contact with her?

Ans. As I stood at the wheel I couldn't rightly see, but as near as I could judge, the bark came head on to the schooner. I should think the bark was hit just forward of her fore-chains a little. I could not fairly tell how the schooner struck her, but I should think somewhere near the cat-heads on the starboard bow.

Cross-int. 17. After they struck which way did they swing together, which side to which side?

Ans. The bark swung around with her larboard side to our starboard side.

Cross-int. 18. How was the cut-water of the schooner then injured?

Ans. That I can't tell. I didn't leave the wheel till after the bark began to sink.

Cross-int. 19. When the vessels came together did their rigging get foul, and did they separate till just before the bark sunk?

Ans. I don't know that they got foul—if they did, they got separate before the bark sunk. The vessels were just clear when the bark sunk.

Cross-int. 20. Had you or George been playing cards before your watch commenced?

Ans. No, sir.

Direct, resumed.

Direct int. resumed. Were you or not alert and attentive to your duty at the time of the collision?

Ans. Yes, sir, I was, at the wheel.

His
WILLIAM ⋈ H. HAVENS.
mark.

Deposition of John Waters.

Int. 1. What is your name, age, residence, and occupation, and how long have you been in such occupation?

Ans. My name is John Waters, my age is thirty-one years, I live in Baltimore, and I have followed the sea for about eight years.

Int. 2. Were you on board the schooner A. L. Crawford on her last trip to Salem, and if so, when did you join her, and in what capacity, and when did you arrive in Salem?

Ans. I was on board of her, I joined her on the 18th of August, before the mast, as able seaman. I don't know what day of the month we arrived in Salem—it was Thursday or Friday, I don't know which.

Int. 3. Were you on deck at any time during the night before your arrival in Salem, and if so, state during what time, and in what watch you were, and who were in your watch?

Ans. I was on deck from eight to twelve, in the captain's watch. Me and James Henderson and captain were in that watch.

Int. 4. How much was the captain on deck during your watch?

Ans. He was on deck the whole watch.

Int. 5. Where were you at the time of the collision, how were you, dressed or undressed?

Ans. I was dressed, laying in my bunk.

Int. 6. How soon after the collision did you get on deck, and where was the bark then, how soon after you got on deck did the bark sink?

Ans. I suppose I was on deck in about a minute after the collision. The bark was then swinging alongside. The bark sunk after I got on deck in not more than ten or fifteen minutes. I don't think she was that.

Int. 7. Were there any and what lights in the schooner when you got on deck?

Ans. There was a light in the binnacle and light in the skylight.

Int. 8. Did you or not see any lights in the bark?

Ans. No, sir, I never see any.

Int. 9. Did you or not have any conversation with the crew of the bark about the collision, if so, where was it, how soon after the collision, and who were present? State all that was said.

(Objected to.)

Ans. I did. After the crew all got aboard, they were all in the forecastle, a talking. I asked them what sort of a watch did they keep to run into a fellow in this way? They said they kept a watch pretty much as they pleased—they all turned out, laid down and went to sleep except the man at the wheel. The whole of their crew was present; no one else, that I know of. I went below to put some dry clothes on. I got all wet getting the anchors up.

Int. 10. Did they or not say that the schooner was to blame, or that they called out to you?

(Objected to.)

Ans. No, sir.

Cross-examination by T. H. Russell, esq., proctor of libellant.

Cross-int. 1. Can you speak French? do you understand French?

Ans. No, sir.

Cross-int. 2. What did you do after you went below, turn in or what, after your watch?

Ans. I turned in.

Cross-int. 3. Was there any light in the forecastle at the time of collision?

Ans. Yes, sir.

Cross-int. 4. Were any of the crew up in the forecastle, and what were they doing?

Ans. No, sir—there was none of the crew up in the forecastle at time of collision.

Cross-int. 5. Had the mate's watch been playing cards that night before the collision, or any of them?

Ans. No, they had not. There were no cards aboard in the forecastle.

Direct, resumed.

Direct int., resumed. Had you or not a light in the forecastle every night?

Ans. Yes, sir.

His
JOHN ⋈ WATERS,
mark.

Bill of Sale—Filed and used by consent of parties.

Official number of ship, 41.129. Name of ship, Himalaya.

Port No.:	Port of registry:	British or foreign built:	Where built:	When built:
eighteen.	Pictou, Nova Scotia.	British.	River John, Nova Scotia.	20th May, 1856.

	Measurements.	Feet.	Tenths.	Tonnage.	No. of tons.
Build.....carvel.	Length from the fore part of stem, under the bowsprit, to the aft side of the head of the stern post.....	119	1	Tonnage under tonnage deck.....	291 $\frac{99}{100}$
Galleries.....none.				Closed-in spaces above the tonnage deck, if any, viz:	
Head.....billet.				Space or spaces between decks	
Framework.....wood.				Poop	
Number of decks, one.	Main breadth to outside plank.....	28	1	Roundhouse	22 $\frac{65}{100}$
Number of masts, three.				Other inclosed spaces, if any, naming them.	
Rigged..... barque, standing bowsprit.	Depth in hold from tonnage deck to ceiling at midships	13	9		
Stern.....square.				Total register tonnage.....	314 $\frac{55}{100}$

I, James Kitchen, of River John, in the province of Nova Scotia, merchant, in consideration of the sum of two thousand five hundred pounds paid to me, by Dominique Geroir, of Arichot, Cape Breton, in the province of Nova Scotia, master mariner, the receipt whereof is hereby acknowledged, transfer sixty-four shares in the ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances, to the said Dominique Geroir. Further, I, the said James Kitchen, for myself and my heirs, covenant with the said Dominique Geroir and his assigns, that I have power to transfer in manner aforesaid the premises hereinbefore expressed to be transferred, and that the same are free from incumbrances.

In witness whereof, I have hereunto subscribed my name and affixed my seal, this eighteenth day of August, one thousand eight hundred and fifty-six. (Signed) JAMES KITCHEN, [L. S.]

Executed by the above-named, in the presence of—WM. IVES.

CUSTOM HOUSE, PICTOU, N. S.,
1*st November*, 1856.

I, the undersigned, do hereby certify to all whom it may concern, that James Kitchen, original and sole owner of the ship within described, executed before me the within bill of sale, transferring sixty-four shares in the said vessel to Dominique Geroir, of Arichot, in the province of Nova Scotia, master mariner, and that to the best of my knowledge the said Dominique Geroir was sole owner of the said vessel at the time of her sailing from this port for Boston, on the twenty-ninth day of August, 1856.

D. McCULLOCH, [L. S.]
Register of Port of Pictou, N. S.

Then personally appeared, May 15, 1857, the above-named libellant, Dominique Geroir, by Weare D. Bickford, of said Boston, agent for said Geroir, and produced for surety Calvin Aiken, of said Boston, merchant; and said Geroir and Aiken, submitting themselves to the jurisdiction of this court, bound themselves, their heirs, executors, and administrators, jointly and severally, in the sum of two hundred dollars, unto said Andrew A. Blackman, claimant, that the said Geroir shall pay all costs and expenses which shall be awarded against him in this suit upon the final adjudication thereof, or by any interlocutory order: and the libellant prays leave to amend his libel aforesaid, in the third paragraph thereof, by striking out the words "and attempted by changing," and inserting instead thereof the words "but could not change;" also by striking out the words "which, however, they could not do"—which motion remains on file. Afterwards, this cause came on to be heard upon the several pleas, proofs, and allegations of the parties, and was argued by counsel, and now, after due consideration, it is ordered, adjudged, and decreed, that the final decree of the district court in favor of the libellant in this cause be affirmed, and that the said libellant do recover against the said schooner "A. L. Crawford," her tackle, apparel, and furniture, the sum of ten thousand dollars, agreed amount of damages, with his costs of suit taxed at

Whereupon the said Blackman, then and there, in open court, claimed an appeal to the Supreme Court of the United States, to be holden at Washington, on the first Monday of December next, and gave good and sufficient security to prosecute his appeal with effect, and to answer all damages and costs if he shall fail to make good his appeal, which security was approved by the court, and the said appeal was allowed accordingly.

Attest: H. W. FULLER, *Clerk*.

UNITED STATES OF AMERICA,
Mass. Dist., ss:

I, Henry W. Fuller, clerk of the circuit court of the United States, for the first circuit, Massachusetts district, do hereby cer-